

Also, papers to accompany bills for relief of S. E. Wither-
spoon and A. Truett—to the Committee on War Claims.

By Mr. PRINCE: Petition of Local Union No. 342, International Typographical Union, for repealing duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RANDELL of Texas. Petition of citizens of Burleson, Greenville, Montague, and Nocona, all in the State of Texas, for H. R. 10507, to exterminate the green bug—to the Committee on Agriculture.

By Mr. RIORDAN: Petition of National German-American Alliance, against any change in immigration laws until investigation of commissioners is made—to the Committee on Immigration and Naturalization.

By Mr. ROTHERMEL: Petition of citizens of Pennsylvania, for S. 3152, for additional protection for the dairy interests—to the Committee on Agriculture.

By Mr. SABATH: Petition of National German-American Alliance, against any law changing immigration laws until Commissioner's report is submitted—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Local Union No. 58, Utica Printing Pressmen and Assistants, of Utica, N. Y., for repeal of duty on white paper, etc.—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of Denton County Farmers' Union, for legislation to prevent gambling in futures in cotton and other farm products—to the Committee on Agriculture.

By Mr. SULZER: Petition of mass meeting of the Poles, against Polish expropriation bill of the Legislatures of Prussia—to the Committee on Foreign Affairs.

Also, petition of National German-American Alliance, for repeal of the so-called "canteen law"—to the Committee on Military Affairs.

Also, petition of George William Harris, Cornell University library, against certain provisions in S. 2900 and H. R. 11794 against free importation by libraries of copies of foreign publications—to the Committee on Ways and Means.

Also, petition of William Speers, for amendment to copyright bill favorable to musical composers—to the Committee on Patents.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, February 13, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TRADE CONDITIONS IN AUSTRALASIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Harry R. Burrill on trade conditions of Australasia, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Methodist Episcopal Church South, of Bellefonte, Ala., v. United States;

In the cause of the trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Va., v. United States;

In the cause of the trustees of the Christian Church of Franklin, Tenn., v. United States;

In the cause of the trustees of St. Mark's German Reformed Church, of Gettysburg, Pa., v. United States;

In the cause of the trustees of the Christian Church of Union City, Tenn., v. United States;

In the cause of the trustees of the Cumberland Presbyterian Church of Charleston, Tenn., v. United States;

In the cause of Albert V. Conway, trustee, v. United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Deep Creek, Va., v. United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Mexico, Mo., v. United States;

In the cause of Hannah Nally, executrix of William A. Nally, deceased, v. United States; and

In the cause of the trustees of the Baptist Church of Harrodsburg, Ky., v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16050) to authorize the Interstate Transfer Railway Company to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota.

The message also announced that the House had passed the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of St. Paul, Minn.; Bellows Falls, Vt.; Richmond, Va.; Savannah, Ga.; Wheeling, W. Va.; Washington, D. C.; Brighton, Colo.; Cullman, Ala.; and Mobile, Ala., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Merchant Tailors' National Protective Association of America, of New York City, N. Y., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Ohio Personal Liberty League, of Cincinnati, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Elma, Wash., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of the Woman's Club of Ithaca, N. Y., praying for the enactment of legislation to establish laboratories under State, Federal, and city governments for a scientific study of the conditions of criminal paupers, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 135, International Typographical Union, of Oneonta, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the National German-American Alliance, of Philadelphia, Pa., remonstrating against any change being made in the present immigration law, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ballston Spa, Brooklyn, Canisteo, Chatham, Jamestown, Lowville, Niagara Falls, Olean, Rome, Schenectady, and Seneca Falls, all in the State of New York, remonstrating against the adoption of a certain amendment to the present copyright law relating to photographic reproduction, which were referred to the Committee on Patents.

Mr. WARNER presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the enactment of legislation providing for the inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented petitions of sundry citizens of Ashland, Hinsdale, Keene, and Peterboro, all in the State of New Hampshire; of sundry citizens of Washington, D. C.; Urbana, Ill.; Crescent, Cal.; and La Grange and Buffalo, in the State of New York, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry volunteer officers of the civil war of Mendota, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. TALIAFERRO presented a petition of Clardy Chapel, Local Union No. 107, Farmers' Educational and Cooperative

Union, of Jasper, Fla., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of Local Union No. 1, Musicians' Protective Association, of Cincinnati; of Local Union No. 111, Musicians' Protective Association, of Canton; of Local Union No. 160, Musicians' Protective Association, of Springfield; and of Local Union No. 118, Musicians' Protective Association, of Warren, all in the State of Ohio, praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which were referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 5, of Columbus; of Local Union No. 3, of Cincinnati; and of Local Union No. 53, of Cleveland, all of the International Typographical Union, in the State of Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. ELKINS presented a paper to accompany the bill (S. 3559) granting a pension to Adam Radabough, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3554) granting a pension to John W. Smith, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 3568) for the relief of the estate of George W. Bromley, deceased, which was referred to the Committee on Claims.

He also presented sundry affidavits in support of the bill (S. 1718) granting an increase of pension to William Haines, which were referred to the Committee on Pensions.

Mr. ELKINS presented a memorial of the Chamber of Commerce of Stockton, Cal., remonstrating against the adoption of a certain amendment to the present interstate-commerce law relating to the transportation of passengers with respect to distances, which was referred to the Committee on Interstate Commerce.

Mr. MARTIN presented a petition of sundry volunteer officers of the civil war, of Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McENERY presented a petition of sundry citizens of Minden, La., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of Local Union No. 267, Musicians' Protective Association, of Rutland, Vt., praying for the enactment of legislation to prohibit Army and Navy musicians from entering into competition with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. HOPKINS presented memorials of sundry organizations of Chicago, Moline, Freeport, Kankakee, Mount Olive, Rockford, Rock Island, Decatur, and Springfield, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. LONG presented an affidavit to accompany the bill (S. 4509) granting a pension to Edwin B. Rall, which was referred to the Committee on Pensions.

Mr. PENROSE presented a petition of Rear-Admiral Henry F. Picking Garrison, No. 4, Army and Navy Union, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and the Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

Mr. BURKETT presented a petition of Shilo Post, No. 124, Grand Army of the Republic, Department of Nebraska, of Loup City, Nebr., praying for the enactment of legislation granting a pension of \$1 a day to all veterans of the civil war, which was referred to the Committee on Pensions.

He also presented a petition of sundry third-class postmasters of the Third Congressional District of Nebraska, praying that an appropriation of \$2,000,000 be made for clerk hire in third-class post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. TILLMAN. Mr. President, I present a petition which relates to the Aldrich bill, and which, having read it myself, I think will shed some light on certain phases of the financial situation to such a degree that I feel willing to ask that it be read from the desk.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

To the Senate and House of Representatives of the United States:

GENTLEMEN: Exercising the right of petition given by the Constitution to each citizen, the undersigned respectfully petitions and earnestly protests against the passage of the currency legislation known as the "Aldrich bill," because it would be against public welfare.

Such a law would start agitation that might take from national banks the right under which they now profitably issue and loan to the people nearly \$700,000,000 of bank-note currency, and perhaps jeopardize the gold standard itself. Will such banks grasp for more and possibly lose what they already have?

Bank-note currency is not a legal tender; its acceptance as money can not be compelled. Few know this. Prominent lawyers, business men, and even several Members of Congress disputed this fact until shown the law. The people generally are deceived by the Government's indorsement into believing it to be real money. It looks like money, but it is not. Anyone can refuse to accept it. Then actual money, gold or Treasury notes, must be found and tendered. This demand at last moment may work great loss and wrong. Do we want \$500,000,000 more currency that is not lawful money?

Many claim that the Constitution vests in Congress the exclusive power to issue money; that it should not be delegated to banks for private profit; that all bills and coin which the people will consider money should be real money, a legal tender, and issued by the Government; that this need not be fiat or greenback, but paper money redeemable in gold, issued by the Government direct to any bank or individual depositing the proper bond securities and paying the currency tax; that issuing this currency, as now, to national banks, and by them to borrowing producers, adds nothing to its value, but it imposes extra burden and cost on the people for the profit of banks monopolizing the same. Therefore, that this \$700,000,000 bank-note currency should be called in and replaced by a legal-tender bond-secured Government currency, real money, redeemable in gold. Some even advocate abolishing the gold standard. They fear danger in having so many billions of bonds and debts payable only in gold while so large a proportion of the total currency is merely bank notes, the acceptance of which can not be required. Especially so when it is known that the associated individual wealth of a half dozen powerful gamblers of Wall street is large enough to purchase and individually own and lock up every dollar of gold coin in the United States and demand any price therefor from those who must have the actual gold to pay the vast quantities of maturing bonds. It is not necessary for me to now express a personal opinion on these widely prevailing views.

Unwise currency legislation will react. It will defeat the party responsible for it, for the people this year are in no mood to overlook the wrong of the enactment of any law believed to be for the express benefit of Wall street. And there are strong indications that one of the chief designs of the hidden and crafty promoters of this legislation is to make it the clever means for discrediting the party in power and the Administration in the national campaign of 1908, that the hands on the dial of progress may be turned back seven years and incorporated lawlessness escape the penalty for its premeditated and lawyer-planned crimes.

It is believed that Wall street gladly will swap the Presidency for the rich fruits and dangerous powers contained in the Aldrich bill, for this would also satisfy their well-known spirit of revenge, and block all progressive legislation between a Democratic Administration and Republican Congress.

For years a cry has been raised for an elastic currency. One that would automatically expand and contract with the volume of business. This seemed reasonable. We all approved. Of course the natural law of supply and demand should govern. It was plausible. The entire country began to keep step with this music. Then a panic came. It appeared—"providentially"—just before this session of Congress, when it was planned to seek currency legislation. It was cleverly declared by the promoters that the panic was due to lack of elastic currency to move crops and to serve as buffer to take up the shock of panics. They did not explain why the country has got on so well for a dozen years without panic or change in the currency laws. Many believe the panic was caused by such promoters to pinch the country into hurrying Congress to hastily pass the currency legislation they desire, to punish the Administration for enforcing the laws without fear or favor, to advance interest rates, and to reduce wages of labor and prices of securities and property for their lawless purposes and profit.

The failure of the Knickerbocker Trust Company precipitated the runs on banks and panic. Sudden refusal by one Wall street bank further to clear for that trust company, and wild exploitation of that fact in the newspapers wrecked the trust company. The powerful master of Wall street, who is said to dominate that bank, sat in the gallery of the United States Senate and nodded approval as the distinguished author of the Aldrich bill spoke in advocacy of the measure.

One of the most prominent officials of one of Wall street's large financial institutions recently stated to your petitioner that the reason for an elastic currency was so that money would not get over-plenty after crop-moving time, for this might tempt bankers to compete for loans and lead to reduction of the interest rate. Thus Congress is asked to make money scarce by law so as to remove competition and create money monopoly to enable those who traffic in money for interest profits to force the borrowing producers of the country to pay a higher price for the money they must have to carry on industry and business. This is Wall street's real motive for elasticity.

But the actual bills now have appeared in Congress. One is called "Aldrich bill;" the other is for a privately owned central Government bank. Neither is for an elastic currency. Each seeks a contraction currency. Both wish to take from the Government and put into private hands the dangerous power to contract and expand the public currency suddenly in large volume. This would enable them to manipulate at will the prices of listed securities, property, and labor by simply making money scarce or plenty. They could then create panics to terrorize country banks and force them to call loans and hoard money for safety, destroying general credit and wrecking industry. Do the 12,000 bankers of the country desire to be always at the mercy of so few men?

At the recent meeting in New York of the National Civic Federation, Mr. Seligman, speaking for the large number of Wall street bankers present, flatly refused to consent to the amendment to their currency resolution offered by your petitioner. This amendment provided simply that the power to contract and expand the public currency should remain in the Government and not be put in private hands. This was a public admission that Wall street seeks to take this dangerous power from the Government and put it in banks controlled by them. The Aldrich bill does this most effectively. It would be an unconstitutional delegation of a legislative function.

For years Congress refused to repeal the provision prohibiting national banks contracting the bank-note currency over \$3,000,000 a month. March 4, 1907, this was raised to \$9,000,000. This was too dangerous a power to be left at the option of the banks. They might contract rapidly to raise interest rates and force down prices.

The biggest "joker" in the Aldrich bill is the fact that this restriction is wiped out entirely. It makes it possible suddenly to contract and destroy the entire \$700,000,000 bank-note currency, and also the \$500,000,000 emergency currency, or a total of \$1,200,000,000 of currency used by the people as money. Sudden contraction of but \$50,000,000 available money by bank depositors recently caused fearful panic and alarmed the whole country. What would happen to the country when the strangling contraction of more than a billion dollars, about half the available money supply of the United States, the active and convenient half, was begun?

But the consent of the Secretary of the Treasury must be had, it is said. The language of the bill on this point is doubtful. But even if he must consent, are 85,000,000 of people going to risk their all not alone on the honesty but on the judgment of one man, a mere appointed official not responsible to the people? Without intending personal allusion, it is proper to show that most Treasury officials leave the public service and its humble salaries to secure and enjoy positions with Wall street banks paying \$25,000 to \$50,000 salary. They could not do this if their conduct in public office should displease such interests.

The only way to make this emergency currency elastic more than in name is to have the Government issue it direct to national, State, or savings banks, trust companies, corporations, and individuals, to all who deposit the required bonds as security and pay the high tax. Then supply and demand would control, and it would be impossible for interest rates ever to go above, say, 8 per cent anywhere. The volume then would automatically expand at crop time and contract afterwards. But the Aldrich bill grants to the national banks alone the absolute monopoly of the entire half billion dollars of emergency currency. Other monopolies are made crimes by law. The Government on its own initiative can not issue one dollar of emergency currency. Not even in response to a general public sentiment or wide business distress. It must wait for national banks to first act. These will not do so except when actually menaced by runs. So it is in no sense an elastic currency for general benefit, such as the country was educated to expect.

Ordinary country banks would not profit at all. Only the big Wall street banks are situated to borrow this emergency currency from the Government at 6 per cent and loan it to the gamblers of the stock exchange at 10 per cent to 200 per cent. The few big operators now the masters of Wall street dominate the big banks, trust, and insurance companies, railroads and other industries. Their individual fortunes aggregate over a billion of dollars. They control institutions with \$4,000,000,000 more of loanable assets. They dominate enterprises with outstanding securities exceeding twenty thousand millions of dollars. These few men comprise the huge pools which artificially sustain and manipulate all large issues of securities, putting the quotation prices up and down at will and for their private profit. Their identity and transactions are hidden by the stock exchange. This makes them more daring, reckless, and merciless. Every man who buys even one share of listed stock or one bond, whether on margin speculation or for investment, is blindly playing directly against this vast Gibraltar of financial strength, this crafty, crooked, and soulless power. Ultimate loss is as certain as death to those who continue to dabble in Wall street.

These lawless and relentless masters of Wall street are trying hard to promote the legislation found in the Aldrich bill. They will be the principal beneficiaries. It will give them a strangle hold on the money supply. It will vastly increase their dangerous powers. It will enable them to cause panic at will. It will multiply their political power. By controlling the Secretary of the Treasury they will dominate every bank in the land, and build for themselves the greatest political machine in all governmental history. Nothing could dislodge it.

If this syndicate ever finds the load too heavy even for its giant resources when it happens to be buying heavily to advance prices at a time when natural conditions otherwise would lower them, this emergency currency will come in handy. They will have their banks take an armful of these securities to the Treasury of the Republic and exchange them for real money, which the syndicate will borrow and plunge into the fierce and frenzied gamble. This will enable them to win against the public where otherwise they might have lost, for they get the Government's money at 6 per cent, while the public must pay, perhaps, 50 to 200 per cent on call loans borrowed on the open stock exchange. And they also get the money practically in unlimited quantities and pay it back only when they get ready, instead of when called, for the Government never can call in the emergency currency. It will be a dangerous curse to everybody else.

Enhancing the price of municipal bonds by designating them to secure currency will be for the benefit of the public, as with Government bonds. But it is quite a different thing gratuitously to put an immediate extra profit of more than \$1,000,000,000 into the pockets of the private owners of railroad bonds by thus legislatively enhancing the quotation prices thereof, especially so when it will go to Wall street. The Aldrich bill requires the Secretary of the Treasury to keep posted on the prices of such bonds. As they are subject to possible violent manipulation daily, the only way he can do this is to follow the custom of the brokers and big banks of New York and install in the Treasury Department—and perhaps in the White House—the usual Wall street ticker, that from 10 to 3 each day the officers of the Republic may read the gamblers' tape and quickly call for more margins or sell out the collateral on the Stock Exchange, as is customary in the great American game, to avoid loss.

It is significant that the combined capital and surplus of the three big Wall street banks said to be dominated by Morgan, Rockefeller, and Ryan—the City National, First National, and National Bank of Commerce—exceeds \$100,000,000, or an amount equal to the combined capital stock of 1,000 country banks with \$100,000 capital each. These three banks could take out, and also contract, over \$50,000,000 of emergency currency. They can at the same time also issue and contract \$50,000,000 of ordinary bank-note currency. This reveals the vast power of these banks and what they are after. So, independent of the other 12,000 banks of the country, the wishes of 85,000,000 people or of their responsible Government, or of the interests or welfare of the Republic, the Aldrich bill proposes deliberately to make it possible for three banks, said to be dominated by three men, to manipulate more than \$100,000,000 of the public currency of the United States for their personal profit and advantage.

And these are the principal bank factors in that great paradise of gamblers.

I have it on the word of prominent members of the Stock Exchange that more than 90 per cent of all deals are purely gambling transactions; that Wall street's gambling business exceeds \$30,000,000,000 annually, four times the value of all crops of the entire United States; that this could all be stopped without harm to the useful and legitimate business of Wall street; that investment would be safer and quotations no longer would fluctuate violently, but would be steady and represent actual values. Besides losing their capital up as margins, the victims are also charged by the brokers over \$200,000,000 a year as commissions and "interest" for the privilege of being fleeced in the most colossal, crooked, dangerous, and merciless gambling institution of all human history. This includes the several million dollars stamp taxes which the State of New York collects from charges made on each gambling transaction as its price for the law immunity and habitation which it grants to this institution to prey upon and despoil its citizens and those of the entire country. And this gambling does not benefit the country one dollar, but curses and ruins countless thousands.

Bidding up interest rates on call loans to 10, 30, 60, 100, and even 200 per cent is the great magnet used to entice the deposit savings of the entire country away from local industry and business, and plunge them headlong into the vortex of the great gambling business of Wall street. This deranges the currency supply, interferes with legitimate business, burdening the same with ruinous and usurious interest charges, causes panics, and endangers credit and confidence constantly, paralyzing enterprise and prosperity.

Margin gambling and usurious rates on call loans should be stopped by law. New York State can do this. It is believed that Congress can also make them unlawful. It can prohibit national banks charging over 6 per cent on time or call loans. These banks then would induce the States to pass the same law as to State banks and individuals. It would seem that Congress has ample constitutional power to make unlawful margin gambling in the stocks of corporations transporting or engaged in interstate commerce. These two things done, there would be no serious currency problems to solve. And frequent and sudden panics no longer would occur. The lawless and dangerous power of Wall street would be broken, and without harm to its useful and legitimate business.

Wall street calls all banks but its own, country banks. These can live and prosper independently of Wall street banks and much safer. To a large extent the outside banks have been made the willing or unwilling tools and victims of Wall street. Now they are suspected by many of being in secret alliance with and profiting from that great gambling game. These banks are expected to bring local pressure upon Congressmen. Parties now in Washington are assuming to speak for all these banks in advocacy of the Wall street currency measures. The people believe these measures selfish, unpatriotic, and dangerous, and that their chief advocates outside of Congress have sinister motives.

Where do these banks stand? If not openly against it, they will be considered for it. Can they afford to endanger public confidence in their banks by having them considered an annex of Wall street's gambling institutions? If they do, when the fight it will bring on shall take from them perhaps a hundred times what they may hope to obtain in benefit from these schemes, they can not complain. They must know something of the present temper of the public mind. It will become more aroused as the fight goes on between the lawless powers of Wall street and the Government and people of the United States in the great struggle for the industrial, financial, and political conquest of the greatest Republic of all history.

Although this is signed by me alone, I know it represents the views of very many others. Therefore your petitioner earnestly urges the defeat of the Aldrich bill.

Very respectfully, yours,

ALFRED O. CROZIER.

WILMINGTON, DEL., February 11, 1908.

UNELASTIC CURRENCY.

Mr. FLINT. I present a paper prepared by George v. L. Meyer on the subject of our unelastic currency. I move that it be printed as a Senate document and referred to the Committee on Finance.

The motion was agreed to.

CONDITION OF INDIANS IN ALASKA.

Mr. TELLER. I desire to have printed as a document a paper sent to me, which consists of the charge of the judge in Alaska to the grand jury, the report of the grand jury, and the report of a surgeon in the Army as to the condition of the Indians of that section of the country. I do not care to put the paper in the RECORD, but I do think it ought to be published as a document and referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 3639) to amend the homestead laws as to unappropriated and unreserved lands in the State of Montana, reported it with amendments and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 5043) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the County of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 2668) authorizing and empowering the Secretary of War to convey to the Delaware and Hudson Company a right of way for railway purposes upon and across the military reservation of Plattsburg Barracks, at Plattsburg, in the county of Clinton and State of New York, in exchange for the release to the United States of all rights of said company and its subsidiary companies within the limits of said military reservation, reported adversely thereon and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters, reported it with amendments and submitted a report thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 650) to extend the special-leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools, reported it without amendment and submitted a report thereon.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 2261) to correct the military record of David Chrisman, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3202) to authorize patents to Santee Indians, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2711) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, reported adversely thereon and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 1543) to authorize the entry of arid and semiarid public lands, reported it with amendments.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 520) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal.; and

A bill (S. 5085) authorizing the construction of a light-house tender for the light-house inspector of the twelfth light-house district.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 2948) to provide additional station grounds and terminal facilities for the Arizona and California Railway Company in the Colorado River Indian Reservation, Ariz., reported it with amendments and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 654) to increase the efficiency of the veterinary service of the Army, reported it without amendment and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 51) providing for additional lands for Idaho under the provisions of the Carey Act, reported it without amendment and submitted a report thereon.

LIGHT-SHIP AT ST. JOHNS RIVER, FLORIDA.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3342) to construct and place a light-ship opposite the entrance of St. Johns River, Florida, to report it favorably with an amendment, and I submit a report thereon.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That there be constructed, equipped, and outfitted complete for service a self-propelling light vessel with a fog signal, to be placed on its station opposite the entrance of the St. Johns River, Florida, under the direction of the Secretary of Commerce and Labor and the Light-House Board, and that the sum of \$125,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated therefor out of any money in the Treasury not otherwise appropriated.

Sec. 2. That the Light-House Board is authorized to employ temporarily at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the light vessel provided herein, and to be paid from the appropriation therefor; such employment to terminate on or before the date on which the plans or alterations therein for this light vessel are finally completed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER DAMS.

Mr. NEWLANDS (from the Committee on Commerce). I report back favorably with an amendment the bill (S. 3726) to authorize the Twin City Power Company to build, operate, and maintain two dams across the Savannah River above the city of Augusta, in the State of Georgia, and I submit a report thereon.

Mr. CLAY. That is a bill of vast importance to my constituents, and I ask for its immediate consideration.

The Secretary read the bill and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to insert as a new section, to be section 3, the following:

Sec. 3. That the act entitled "An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia," approved February 27, 1907, be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Twin City Power Company to build, operate, and maintain three dams across the Savannah River above the city of Augusta, in the State of Georgia."

MILITARY MANEUVERING GROUNDS IN WYOMING.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5155) authorizing the exchange of lands for the enlargement of maneuvering grounds, to report it favorably with an amendment, and I submit a report thereon. I call the attention of my colleague to the bill.

Mr. WARREN. The bill is of a local nature and a very short one. I ask unanimous consent for its immediate consideration.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the "Crow Creek National Forest," he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry.

The amendment was to add at the end of the bill the words "within the State of Wyoming."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF MEDICAL COLLEGE OF ALABAMA, ETC.

Mr. FULTON, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the claims of the Medical College of Alabama, at Mobile, Ala. (S. 2902), and the Baptist Church of Bowling Green, Ky. (S. 3171), and Christ Protestant Episcopal Church, of Bowling Green, Ky. (S. 5093), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act," and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Library:

A bill (S. 5295) for the erection of a monument to the memory of Gen. William Campbell; and

A bill (S. 5296) for the erection of a memorial pillar in honor of Col. Burgess Ball, of Virginia.

Mr. McLAURIN introduced the following bills, which were

severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5297) for the relief of the administrator of Haller Nutt, deceased; and

A bill (S. 5298) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi.

Mr. GALLINGER introduced a bill (S. 5299) authorizing the extension of New York avenue from its present eastern terminus, near Fourth street NE., to the Bladensburg road, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FLINT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5300) granting an increase of pension to John H. Folks;

A bill (S. 5301) granting an increase of pension to Elijah H. Bartlett (with an accompanying paper); and

A bill (S. 5302) granting an increase of pension to George W. Webb.

Mr. FULTON introduced a bill (S. 5303) to provide for the payment of the claims of the Roman Catholic Church in the Philippine Islands, which was read twice by its title and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5304) for the relief of Clarence D. Houck, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. ANKENY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5305) granting an increase of pension to Isaac H. Long (with the accompanying papers); and

A bill (S. 5306) granting increase of pensions to survivors of the Indian wars, under the acts of July 27, 1892, and June 27, 1902.

Mr. LA FOLLETTE introduced a bill (S. 5307) relating to the liability of common carriers to their employees, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5308) for the relief of William P. Clements; and

A bill (S. 5309) for the relief of the estate of R. M. McClelland, deceased.

Mr. LONG (by request) introduced a bill (S. 5310) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5311) to purchase certain property adjacent to the National Military Home, Kansas, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. DICK introduced a bill (S. 5312) to readjust pay of soldiers during the civil war on gold basis, which was read twice by its title and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5313) granting an increase of pension to Cassius C. Wertz;

A bill (S. 5314) granting an increase of pension to Samuel D. Knight (with accompanying paper);

A bill (S. 5315) granting a pension to Thomas F. Hebb (with accompanying paper);

A bill (S. 5316) granting an increase of pension to Minnie B. Jeffries (with accompanying papers);

A bill (S. 5317) granting an increase of pension to John T. Hudson;

A bill (S. 5318) granting an increase of pension to John H. Everitt (with accompanying papers);

A bill (S. 5319) granting an increase of pension to Lehaven Long;

A bill (S. 5320) granting an increase of pension to Charles Kane (with accompanying papers);

A bill (S. 5321) granting a pension to Sampson Snyder;

A bill (S. 5322) granting a pension to John M. Collins; and

A bill (S. 5323) granting a pension to George Houteholder.

He also introduced a bill (S. 5324) for the relief of the Presbyterian Church at Bunker Hill, W. Va., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5325) authorizing certain extensions to be made in the lines of the Capital Railway Company in

the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 5326) granting an increase of pension to Sarah Searle, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 5327) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 5328) for the relief of the heirs of John M. Fleming, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 5329) to provide for an appropriation to defray the expenses of the constitutional convention and State election of Oklahoma, and for other purposes, which was read twice by its title and referred to the Committee on Territories.

Mr. CLAPP introduced a bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. MARTIN submitted two amendments intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

Mr. McLAURIN submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which, with the accompanying findings of the Court of Claims, was referred to the Committee on Claims and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill H. R. 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 15372) known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. DICK submitted an amendment relative to the office of the chief clerk, Bureau of Yards and Docks, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

IMPROVEMENT OF MISSOURI RIVER, KANSAS.

Mr. CURTIS submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and is hereby, authorized and directed to submit an estimate to Congress as to the cost of improvements and works necessary to restore the Missouri River to its proper channel at the city of Atchison, in the State of Kansas.

HOUSE BILL REFERRED.

The bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTI, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 2929) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River, in the State of Washington; and

An act (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. CULBERSON. I submit two amendments intended to be proposed to what is known as the "banking bill," S. 3023. They are quite short, and I would be glad to have them read.

The VICE-PRESIDENT. The proposed amendments will be read by the Secretary.

The SECRETARY. On page 10, line 3, after "SEC. 8," insert:

That from and after November 1, 1908, every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve in other national banks are hereby repealed.

On page 10, line 12, after the word "depositories," insert the following proviso:

Provided, That whenever public money is deposited in national banks said banks shall pay to the United States interest on such deposits, to be collected by the Secretary of the Treasury, as follows: For the months of August, September, October, and November of each year at the rate of 2 per cent per annum; for the months of December, January, February, and March of each year at the rate of 4 per cent per annum, and for the months of April, May, June, and July of each year at the rate of 6 per cent per annum.

The VICE-PRESIDENT. The proposed amendments will be printed and lie on the table.

Mr. RAYNER. Mr. President, I desire to make a statement to the Senate. It will be brief.

I want to read a few lines of a colloquy that took place yesterday during the discussion of the financial bill. I am reading from page 1962 of the RECORD:

Mr. CULBERSON. Mr. President, while I have the floor, and it not being quite 2 o'clock, as reference has been made to the bill which I introduced some time ago and which is now pending before the Committee on Finance, with reference to reserves, I desire to state why I introduced the bill, which is as follows:

"Be it enacted, etc., That from and after the passage of this act every national bank shall have and keep on hand in its vaults the reserve of lawful money provided for by law. All laws and parts of laws which authorize national banks to have and keep part of their reserve with other national banks, and all laws and parts of laws otherwise in conflict herewith, are hereby repealed."

Mr. TALIAFERRO. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. CULBERSON. Certainly.
Mr. TALIAFERRO. I submit to the Senator from Texas that not one dollar of that reserve could be legally used.

Mr. CULBERSON. I do not so understand the law. Of course I may be mistaken, but the purpose was to keep that money in the banks to meet emergencies. If it was not to meet an emergency, what was it to be kept there for?

Mr. CLAPP. Will the Senator from Texas pardon an interruption?

Mr. CULBERSON. Yes.
Mr. CLAPP. It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law. If the Senator is right, it is of the utmost importance certainly that we should understand at this point in the discussion which is the correct view. I appeal to the Senator from Rhode Island.

Mr. CULBERSON. Does the Senator mean that that is absolutely necessary?

Mr. CLAPP. Certainly not absolutely necessary.
Mr. ALDRICH. The law undoubtedly requires that the reserve shall be maintained, and if the bank fails to maintain it, the Comptroller can take possession of the bank.

Mr. CULBERSON. That is not my understanding as to deposits. Of course I may be mistaken about it, but I was saying that the purpose in the bill I have introduced was to keep on hand a reserve in the banks in the interior for the purpose of meeting extraordinary runs which may be made upon the banks by depositors.

What is the one hundred and fifty million gold reserve in the Treasury vaults for? It is true that the Secretary of the Treasury is required to keep that amount of gold in the Treasury, but when a gold obligation is presented to him he is required to pay it.

Mr. TELLER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. CULBERSON. Yes.
Mr. TELLER. I call the Senator's attention to the fact that this is for a specific purpose.

Mr. CULBERSON. Certainly; I understand that.
Mr. TELLER. And it is not subject to the control of the Treasury except for the redemption of greenbacks.

Mr. CULBERSON. I understand that, Mr. President, but I was only illustrating the object of a reserve. It is to meet an extraordinary occasion that may arise. The idea of the bank reserve is that all the country banks should keep on hand in cash 15 per cent of their deposits, as it would in all probability meet any demand which might be made upon them by their depositors.

Mr. HEYBURN. If the Senator will permit me—

Mr. CULBERSON. Certainly.
Mr. HEYBURN. I think that the banking law fully bears out his statement that the reserve may be used temporarily for purposes of meeting unexpected conditions arising in the bank. I refer to the national banking act as it is issued by the Comptroller of the Currency during this year, page 24, section 95. It provides that where the reserve is found unexpectedly decreased below the amount fixed by law the Comptroller may give notice and require it to be made good within thirty days. That contemplates that it may be brought down by extraordinary circumstances.

Mr. President, this involves a very plain proposition, and I think everyone understands that it ought to be made perfectly plain in the RECORD. So far as I am concerned, of course I understand what "the reserve" means; but during the debate yesterday I answered a question the Senator from Florida [Mr. TALIAFERRO] addressed to me without fully hearing the question, because I thought he had reference to the line of deposits in the country banks. When the Senator from Florida asked me whether the reserves could be used to move the crops and I answered him "yes," I did not hear the question. I thought, as I have stated, that he had reference to the line of deposits. After arguing for an hour that the

reserves could not be used for any other purpose except the purposes to which they were dedicated by law, I could hardly admit that reserves could be loaned out to the people who were procuring discounts in the banks.

What I want to do is this: I want to have this colloquy in the RECORD, and with it I desire to have printed the provisions of the banking law, kindly furnished to me by the senior Senator from Idaho [Mr. HEYBURN], from section 92, on page 24 of the national banking laws, to section 105, inclusive. This includes all the provisions in reference to the reserves, so that we all may know exactly for what purpose the reserves may be used.

The VICE-PRESIDENT. Without objection, the request of the Senator from Maryland for permission to print in the RECORD the matter referred to by him is granted.

The matter referred to is as follows:

92. LAWS GOVERNING CERTAIN ASSOCIATIONS. (SEC. 5157.) The provisions of chapters two, three, and four [three, five, and seven of this edition] of this title, which are expressed without restrictive words, as applying to "national banking association," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

93. PLACE OF BUSINESS. (SEC. 5190.) The usual business of each national banking association shall be transacted at an office or banking house located in the place specified in its organization certificate.

94. RESERVE CITIES AND RESERVE REQUIREMENTS. (SEC. 5191.) Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, St. Louis, San Francisco, and Washington shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its deposits in all respects; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its deposits in all respects. (See paragraphs 104 and 105.)

95. RESERVE NOT MAINTAINED. (SEC. 5191.) Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its lawful money of the United States has been restored. And the Comptroller of the Currency may notify any association, whose lawful-money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

96. RESERVE AGENTS' BALANCES COUNTED AS RESERVE. (SEC. 5192.) Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept may consist of balances due to an association from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this title, and doing business in the cities of Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, St. Louis, San Francisco, and Washington.

97. CLEARING-HOUSE CERTIFICATES COUNTED AS RESERVE.—Clearing-house certificates, representing specie or lawful money specially deposited for that purpose, of any clearing-house association shall also be deemed to be lawful money in the possession of any association belonging to such clearing house, holding and owning such certificate, within the preceding section.

98. REDEMPTION FUND COUNTED AS RESERVE.—Sec. 3 of the act of June 20, 1874, provides that the five per cent redemption fund, which shall at all times be kept on deposit with the Treasurer of the United States, shall be counted as a part of the lawful reserve.

99. UNITED STATES NOTE CERTIFICATES COUNTED AS RESERVE. (SEC. 5193.) The Secretary of the Treasury may receive United States notes on deposit, without interest, from any national banking association, in sums of not less than ten thousand dollars, and issue certificates therefor in such form as he may prescribe, in denominations of not less than five thousand dollars, and payable on demand in United States notes at the place where the deposits were made. The notes so deposited shall not be counted as part of the lawful-money reserve of the association; but the certificates issued therefor may be counted as part of its lawful-money reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made. (Repealed March 14, 1900.)

100. REDEMPTION OF SUCH CERTIFICATES. (SEC. 5194.) The power conferred on the Secretary of the Treasury by the preceding section shall not be exercised so as to create any expansion or contraction of the currency; and United States notes for which certificates are issued under that section, or other United States notes of like amount, shall be held as special deposits in the Treasury and used only for redemption of such certificates.

101. UNITED STATES GOLD CERTIFICATES COUNTED AS RESERVE.—Sec. 12 of the act of July 12, 1882, provides that the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums of not less than twenty dollars, and to issue certificates therefor in denominations of not less than twenty dollars each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing house in which such certificates shall not be receivable in the settlement of clearing-house balances: *Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treas-

ury reserved for the redemption of United States notes falls below one hundred millions of dollars; and the provisions of section fifty-two hundred and seven of the Revised Statutes shall be applicable to the certificates herein authorized and directed to be issued.

102. RESERVE REQUIREMENTS FOR GOLD BANKS. (SEC. 5186.) Every association organized for the purpose of issuing notes payable in gold shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States, and shall receive at par in the payment of debts the gold notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this title: *Provided*, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such association shall not be within the limitation of circulation mentioned in this title.

103. RESERVE DEPOSIT IN CENTRAL RESERVE CITY. (SEC. 5195.) Each association organized in any of the cities named in section fifty-one hundred and ninety-one may keep one-half of its lawful-money reserve in cash deposits in the city of New York. But the foregoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. This section shall not relieve any association from its liability to redeem its circulating notes at its own counter at par in lawful money on demand.

104. ADDITIONAL RESERVE CITIES.—Sec. 1 of the act of March 3, 1887, as amended by the act of March 3, 1903, provides that whenever three-fourths in number of the national banks located in any city of the United States having a population of twenty-five thousand people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-two of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand in lawful money of the United States an amount equal to at least twenty-five per centum of its deposits, as provided in sections fifty-one hundred and ninety-one and fifty-one hundred and ninety-five of the Revised Statutes.

105. ADDITIONAL CENTRAL RESERVE CITIES.—Sec. 2 of the act of March 3, 1887, provides that whenever three-fourths in number of the national banks located in any city of the United States having a population of two hundred thousand people shall make application to the Comptroller of the Currency, in writing, asking that such city may be a central reserve city, like the city of New York, in which one-half of the lawful-money reserve of the national banks located in other reserve cities may be deposited, as provided in section fifty-one hundred and ninety-five of the Revised Statutes, the Comptroller shall have authority, with the approval of the Secretary of the Treasury, to grant such request, and every bank located in such city shall at all times thereafter have on hand in lawful money of the United States twenty-five per centum of its deposits, as provided in section fifty-one hundred and ninety-one of the Revised Statutes.

Mr. RAYNER. Before proceeding further I want to give the Senator from Rhode Island [Mr. ALDRICH] a statement made by the Comptroller of the Currency in reference to these reserves. Here is what the Comptroller says:

It will thus be seen that the country bank keeps but 6 per cent on hand in cash, and of the country bank's reserve deposits the city banks keep but 1.4 per cent on hand in cash. There is therefore but 7.4 per cent of cash, or \$740,625, kept unloaned anywhere against this deposit of \$10,000,000 in the country banks. Of this but \$140,625 is outside the country bank's own vaults. If, therefore, there is a reduction in the deposits of the country banks of \$150,000 out of \$10,000,000, or only 1½ per cent, it calls for more cash or reserve money than has been kept on hand for the whole \$10,000,000 in the reserve banks.

Is it any wonder, then, that the demand in the fall for about \$200,000,000 in currency for crop moving always makes a disturbance and that when this demand was accompanied by withdrawal of deposits and a curtailment of credits, caused by uneasiness and distrust, that the banks were forced in self-defense to partially suspend payments, adopt clearing-house certificates, and various other expedients to furnish currency to meet such an emergency?

I have not the slightest idea in the world that this money could be loaned out for the purpose of discounting the paper of the bank's customers. My idea about this reserve is this—and if I am making a mistake, I shall be very glad to be corrected—the reserve is held as a reserve to secure the line of deposits; but I believe that in case of an emergency the reserves have been used to pay the depositors. If I am wrong about that, I will submit to the experience of the Senator from Rhode Island upon that question.

I believe that in the case of an emergency the reserve can be used to pay depositors. If the depositor then chooses to use the reserve to move the crops, that is for him to say. Of course the reserve could not be used for the purpose of discounting notes to move the crops; but I have always been of the opinion and am now—and I am fortified in the opinion by several of the most experienced bankers—that in the case of an emergency the reserves have been used for the purpose of paying the depositors.

Mr. ALDRICH. Mr. President, the reserve can undoubtedly be used in the case of an emergency to meet any demand obligation of the bank. That is what reserves are for; they are for nothing else; but the law requires that, if so used, they shall be immediately replaced; that a certain percentage shall be maintained, and that, in the absence of such percentage being maintained, the Comptroller of the Currency can, if the reserve is not restored in thirty days, throw the bank into the hands of a receiver.

Mr. RAYNER. That is under the thirty days' limitation.

Mr. ALDRICH. Under the thirty days' limitation.

Mr. RAYNER. Then, I submit that the Senator from Minnesota must have been wrong and the Senator from Texas must have been right when the Senator from Minnesota said yesterday:

It seems to me—certainly my understanding is—that if a bank in the country had a reserve in its vault it could not have used a dollar of that reserve without violating the law.

Mr. CLAPP. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Certainly.

Mr. CLAPP. I want to say now that as the law reads, not as it may be interpreted by a Comptroller of the Currency, if all of the reserve is in the bank's vault, it can not be used without violating the law, assuming, of course, that it is down to the point of that reserve when it dips into the reserve.

Mr. RAYNER. It can not be used for any purpose at all?

Mr. CLAPP. For any purpose without violating the law requiring that reserve. It is true that, recognizing that the law will be perhaps ignored in a great emergency, the law does provide that, if this reserve is disturbed, it must be made good within thirty days. If it is left to the banker to say when and for what he will proceed to use that reserve, then I say that there is no warrant for the assertion that the banker can use that reserve for one purpose without violating the law, but can not use it for another purpose without violating the law. The law makes no such distinction. Exigencies may warrant—

Mr. RAYNER. Then, the Senator from Minnesota does not agree with the Senator from Rhode Island that in case of emergency the reserve may be used to pay depositors?

Mr. CLAPP. Absolutely.

Mr. RAYNER. You do not agree with him?

Mr. CLAPP. I do agree with him.

Mr. RAYNER. You do agree with him?

Mr. CLAPP. Certainly; on that proposition.

Mr. RAYNER. Then, what does the Senator do with section 5191 of the national banking act, which provides that, if the reserve is not maintained, in thirty days the Comptroller may take possession of the bank?

Mr. CLAPP. I say that, while the law contemplates the reserve shall be kept, if in stress of emergency, the banker does exceed his lawful authority in the use of the reserve, he must make it good within thirty days. I know of no better expression, perhaps, than to use the expression that the Comptroller may for a time and under certain conditions, of which he, perhaps, is alone to judge, be blind to a violation of the law. That is one reason why I do not believe in this legal reserve. I am just old-fashioned enough to believe that laws should be made to be obeyed, and that a law should not be made with the idea that any officer of the Government may, at his own pleasure, wink at a violation of it.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. I thought the Senator had concluded.

Mr. RAYNER. I have not concluded, but I yield to the Senator.

Mr. BAILEY. I think it is rather unfortunate that the Senator from Maryland and the Senator from Rhode Island each use the word "emergency" in connection with the right of a bank to pay the depositors, although the payment may reduce the amount of its reserve below 15 per cent of its deposits. Perhaps it may be said that an emergency has arisen in the case of that particular bank when it finds itself called upon by its depositors for more money than will leave intact its 15 per cent reserve; but it can not be supposed for a moment that the law contemplated that the bank would be authorized to suspend cash payment as long as it had cash in its vaults. All that means, and all that it was intended to mean is simply this, that when the reserve of a bank has been reduced to 15 per cent of its deposits, that bank must suspend the discounting of paper and the negotiation of loans; but it is still left free to discharge its obligations to each depositor as that depositor applies. The law, very properly recognizing that depositors may take from the bank enough to reduce its reserve below 15 per cent, requires that when a bank's reserve has been so reduced it must be repaired within thirty days. That is the whole of what it means. It is not merely the right of a bank to use its reserve in an emergency. It is the right and the duty of a bank to use that reserve whenever a depositor calls for his balance or any part of it, even though it falls below 15 per cent of the deposits.

Mr. TALIAFERRO. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Texas yield to the Senator from Florida?

Mr. BAILEY. Certainly.

Mr. TALIAFERRO. The Senator from Texas, Mr. President, I take it, will admit that the law requires the banks to hold 15 per cent of their deposits as a reserve. Now, will the Senator from Texas point to any affirmative authority of law that authorizes a bank to reduce its reserve below the legal limit?

Mr. BAILEY. No; Mr. President, but that is not necessary in view of the express obligation upon the bank to pay every depositor as he calls for his money. You must construe the duty of the bank under the law not only to itself, but to its depositors, and surely, whenever a bank suspends cash payment its depositors would have the right to call upon the Comptroller to put it into the hands of an examiner.

These two duties can be performed without any conflict. The bank can meet and discharge its obligations to the depositor by paying cash when the depositor calls for it, and when the bank, in meeting that obligation to the depositor, has paid out cash until its reserve falls below 15 per cent of its deposits, it then becomes the duty of the bank to repair that reserve by calling in from the people who owe it the loans which it has extended to its customers.

I should dislike very much to see it announced in the Senate and accepted by the country that whenever a banker had paid his depositors until he had but 15 per cent of the deposits left he could look a man in the face and say, "Under the law of the United States I am not permitted to pay you your money. You must wait until I have collected from those who owe me, and then, when I have more than 15 per cent, I will pay you."

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. When I finish this sentence. I think all the law intended to do was to say to the banker, "When you have reached the 15 per cent limit you have no option or discretion as to discounting paper or making further loans." I think that is all the law intended.

Mr. RAYNER. Mr. President, I have no objection to this interruption, but these speeches are not my speech.

Mr. BAILEY. The Senator from Maryland can very well afford to allow this interruption to appear as part of his speech, because it would be a very grave mistake for it to be generally asserted and accepted here that a banker is under a higher obligation to maintain his reserve than to pay his depositors.

Mr. RAYNER. I was not referring to the Senator from Texas. I was referring to the speech the Senator from Minnesota wants to make.

Mr. BAILEY. Mr. President, I have said all I desire to say, and I will say to the Senator from Maryland that we are only responsible for what we say ourselves—but I was not willing to remain in my seat and hear it stated and accepted that the bank need not pay its depositors when its reserve had fallen below 15 per cent. I merely wanted to express my own opinion that the provision of law is intended to limit the right of the bank to discount paper, but not to pay depositors.

Mr. CLAPP. Mr. President, I had supposed the Senator from Maryland had concluded, or I would not have made so long a statement as I did, and I will not unduly prolong it now; but at the proper time I shall trespass upon the patience of the Senate to discuss this very proposition of the reserves. At this time I merely want to call the attention of the Senator from Maryland to what the Senator from Florida drew as an inference, and what I drew as an inference, and, I am inclined to think, what other Senators drew as an inference, from his speech yesterday with reference to the question of bank reserves. He was discussing this question, and, referring to the fact that part of the reserves were retained in the country banks and part of them went to the city banks, and then, on page 1959, near the close of the debate, he used this language:

You talk to me about moving the crops. Where is the \$200,000,000 to come from to move the crops? The country banks have only 6 per cent of their reserve.

He did not say in that connection that if they had 15 per cent reserve they could have used it for moving the crops. That is very true; but in making the inquiry, "Where is the money to move the crops to come from?" he makes the further suggestion that "the country banks have only got 6 per cent of their reserve." I submit that, using the expression that they only had 6 per cent of their reserve in connection with the very inquiry as to where the \$200,000,000 was to come from, left us at liberty to draw the deduction that he did hold that this reserve could be used if the entire 15 per cent was there

for moving the crops. If he did not mean that, I certainly am glad of the explanation, for that was the deduction I drew.

Mr. RAYNER. I want to say to the Senator from Minnesota that not only I did not mean it, but I could not have meant it, and his construction of my language is wrong. If the Senator will read the whole sentence he will see that I was referring to the money conditions of the country. I just brought in the amount of the reserves of the country banks with it. I was arguing, and am arguing now, that the bank reserve must be dedicated to the purpose defined by law. I had been arguing for half an hour that the reserve must be dedicated to the purpose that the law provides. The object that I had in view was to change the next section. Three-fifths of the reserve, or the 15 per cent required by the preceding section to be kept, may consist of "balances due to the association from associations approved by the Comptroller of the Currency."

That section was the text of my argument yesterday, and I answered the question of the Senator from Florida as I did because I thought he had reference to the deposits and not the reserves. I desire to be perfectly understood upon this question, because there can not be any controversy about it. I agree with every word the Senator from Texas [Mr. BAILEY] has said, but I do not agree with what the Senator from Minnesota [Mr. CLAPP] has said. I believe, however, that the reserves are for a certain purpose, and they can not be used for any other purpose under the law, but I want the sections I have indicated set out in the RECORD so that all of us can understand exactly what the reserves are for, as the law is very plain upon the subject.

Mr. ALDRICH. Will the Senator from Maryland permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. RAYNER. Certainly.

Mr. ALDRICH. As the Senator from Maryland asked me a question, and the answer which I gave does not seem to be satisfactory to my friend, the Senator from Texas, I would like to make a statement of my own position and understanding about this matter.

The whole theory of the national banking act is that the bank should have its resources in such a condition at all times that it should be able to respond to all demands for payment of any of its demand obligations without infringing upon its reserve; in other words, an amount equal to 15 per cent of the deposits is set apart as a reserve, and it is contemplated that all the ordinary business of the bank could be conducted without touching that reserve, and that any infringement upon that reserve to the extent to which it is depleted is in a sense a violation of the law. That the bank should meet its demand obligations in the case of emergency by using that reserve is unquestionable, but when the condition of the bank otherwise does not permit it to meet its demand obligations by the ordinary method it may encroach upon the reserve. The theory, however, is that the bank should be at all times in condition to meet its demands without infringing upon the reserve, and the law says plainly that when the time comes when that reserve is infringed upon no additional loans shall be made. The bank then has no right to make any further loans, and if it refuses or declines or is unable to maintain that reserve, or to restore it within thirty days, then a receiver is to be appointed and the bank be taken possession of. So that, while there is no question but that the reserves are put there to be used in case of emergency or of unusual circumstances, they are not put there to be used in the ordinary business of the banks and can not be used unless there is an emergency.

Mr. BAILEY. Mr. President, the only difference between the Senator from Rhode Island [Mr. ALDRICH] and myself is that he persists in using the words "in an emergency." I insist that the reserve is there to meet, not a demand arising out of an emergency, but a demand that arises in the ordinary and daily course of business. In other words, the law wisely recognizes that it is apt to happen that depositors, one in seven, from day to day and from time to time, may call for their deposits, and it is not safe banking for any bank to allow its available cash to run below the relation of 1 to 7. The very purpose of the reserve is—

Mr. HOPKINS. Mr. President, may I ask the Senator a question there?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. Recognizing now, as all bankers do, the principle which the Senator has just stated, is it not true that the word "emergency" is the right word to use there, because it is an emergency in that bank? If the rule which the Senator has announced has been violated, and they have reached a

point where, in order to meet the demands of the depositors, they have to go into the reserve that is set aside in the bank, is not that an emergency?

Mr. BAILEY. Not at all, Mr. President. There are very few banks that generally keep more than the law requires. It is not profitable banking to do so. The usual and ordinary practice is for a bank to loan down close to the red line, and then, if somebody comes for a loan, the banker very properly says, "under the law I am unable to accommodate you, because I am not above my reserve limit." No matter how gilt-edged a note may be offered for negotiation, the bank is bound to decline it, and if it chooses to give its customers any explanation, all accept that as a sufficient reason for refusing them a loan. But never can it happen that a bank can excuse itself for refusing to pay a depositor by saying, "I have reached the reserve limit." He does not need to wait for an emergency, unless, indeed, it be that an emergency in the case of that particular bank is reached when its reserve falls below 15 per cent. If the term "emergency" could be used in that sense, then I have no objection to it; but really it is without meaning, because the ordinary and usual business of a bank is to keep its reserve at only about the limit which the law requires.

Mr. FLINT. Mr. President—

Mr. BAILEY. One moment, and then I shall be glad to yield to the Senator from California.

The very law which requires the reserve to be repaired within thirty days when once it is impaired is itself a permission by implication to impair. I do not construe that as a permission to impair the reserve by discounting paper or making loans. I construe that simply as a recognition in the law that under the law the bank may in some cases fall below its reserve in order to meet the daily demand of its depositors. I repeat that I would regard it as unfortunate for the country and the people generally to have it announced that a banker could only trench upon his reserve to pay his depositors in an extraordinary crisis or in an emergency. The very purpose of that reserve is not to hold it in idleness, but it is to have it there to meet the demands which may come from the depositors any day. We are now trying in the bill under consideration to provide for an emergency; but surely the Senator from Rhode Island does not mean that the emergency which he describes with reference to the reserve is the same kind of an emergency which he is trying to meet and prevent by this bill.

Mr. ALDRICH. Does the Senator from Texas intimate that there is anybody here who claims that a bank should not use its reserve to pay its demand obligations whenever the occasion requires?

Mr. BAILEY. No; but they couple that demand with a qualification that it can only be done in an emergency, and I contend that that qualification has no place either as a matter of law or as a matter of practice.

Now I will be glad to yield to the Senator from California.

Mr. FLINT. Mr. President, I desire to ask the Senator from Texas whether, as a matter of fact, the clearing houses of our country do not in their rules provide that the banks shall keep at least 25 per cent of this money in reserve, and whether it is not a rule of banking generally throughout the country that whenever the reserve reaches a point below 25 per cent it is nearing the danger point? As a matter of fact, is it not an emergency when the bank's reserve reaches a point below 15 per cent? Is not that such an emergency as is contemplated in this bill, which would entitle the bank immediately to call for currency under this so-called "Aldrich bill?"

Mr. BAILEY. Mr. President, that might not follow, and I want to say that it has happened an almost unlimited number of times that banks have reached the positive limit of their reserves without themselves considering or being considered by their customers to be in any great difficulty or in any great emergency. It is not an uncommon thing in the city of New York for the bank statement to show the reserves below the legal requirement.

Mr. ALDRICH. Mr. President—

Mr. RAYNER. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. ALDRICH. Will not the Senator from Texas agree with me that, when the bank statement shows that the reserve is below the legal limit, that is a danger signal?

Mr. BAILEY. If the Senator from Maryland—and I really supposed he had resumed his seat—

Mr. RAYNER. I want to fortify the Senator's statement, if he will permit me to do so—I have no desire to make a speech, but I want to fortify the Senator's statement by citing the

fact which was constantly published in the papers during the panic that some of the New York banks were below their reserve. I am informed on this floor now by a Senator who is the president of a bank and knows more about practical banking perhaps than a number of us put together that the banks do not wait for an emergency, but are using their reserves for the purpose of paying depositors. Neither the Senator from Rhode Island nor the Senator from California can give us an example where a bank has ever been put into the hands of a receiver for temporarily using a small portion of its reserves in order to pay its depositors. If there is such a case I should like to hear of it. It was published every day in the papers that the New York banks were below the reserve. Why did not a receiver take possession of them under this section of the national bank law?

Mr. BAILEY. I want to say to the Senator from Rhode Island—

Mr. HOPKINS. Will the Senator allow me for just a moment?

The VICE-PRESIDENT. The Senator from Texas has the floor. Does he yield to the Senator from Illinois?

Mr. BAILEY. The Senator from Illinois will permit me to conclude the sentence.

Mr. HOPKINS. The Senator from Maryland questioned whether a bank was ever put into the hands of a receiver for allowing its reserve to go below 15 per cent. I undertake to say that there can not be an instance found since national banks were inaugurated where the reserve has continued for thirty days below the legal limit. The deposits that are made from day to day put the reserve back to the legal limit.

The Senator from Texas says that to pay the depositor a bank may go below the reserve. In my judgment that is an emergency with that particular bank, and is permissible under the law, but if that bank permitted the reserve to remain below the legal limit for thirty days it would come within the limitation prescribed by the statute here, and the Comptroller would take charge of it if he enforced the law.

Mr. RAYNER. Let me ask the Senator from Illinois a question. The New York banks were below their reserves for sixty days. Did the Comptroller of the Treasury appoint receivers for any of those banks? That fact was published in the daily papers.

Mr. HOPKINS. There is not a record showing that they were below the legal limit for thirty days.

Mr. RAYNER. The papers published every day for sixty days the statement that they were below the limit.

Mr. HOPKINS. I am not responsible, nor is the Senator from Maryland responsible for what the papers publish, but I undertake to say that no national bank has ever remained below the reserve for thirty days continually.

Mr. TALIAFERRO. I wish to say, in reply to the suggestion of the Senator from Maryland, that no case can be cited where a bank has ever been put into the hands of a receiver because of the depletion of its reserve—

Mr. RAYNER. I did not say that.

Mr. TALIAFERRO. What did you say?

Mr. RAYNER. I said they have used the reserve to pay depositors without waiting for an emergency; that the Comptroller of the Currency does not always put a bank in the hands of a receiver if it uses its reserve to pay depositors.

Mr. TALIAFERRO. I understood the Senator from Maryland to challenge the Senator from Rhode Island to cite an instance where a bank had been put into the hands of a receiver for falling below the legal reserve. I challenge the Senator from Maryland to cite an instance where a bank has been put into the hands of a receiver which has not fallen below the legal reserve.

Mr. RAYNER. That is illogical. If a bank is put in the hands of a receiver, the chances are largely that it has fallen below its legal reserve. But I say that it has not been put there always upon that ground. There are plenty of other grounds. What does the Senator say to the financial reports published day after day that the New York banks, during the late crisis, were below their legal reserve?

Mr. TALIAFERRO. I have nothing to say as to the manner in which the Comptroller of the Currency discharges his duty under the law. I am speaking now to the question of reserves as suggested by the Senator from Maryland, and when he extended that challenge I merely wanted to extend one to him in return.

Mr. RAYNER. You ought to have accepted the challenge without extending another challenge.

Mr. TALIAFERRO. The challenge was not addressed to me, Mr. President. If it had been, I should perhaps have treated

it with the same silence that the Senator from Rhode Island did. But it is a fact that, however these banks are managed, when they go into the hands of a receiver it is because the reserve has been exhausted, for when the reserve is there of course the bank does business.

Mr. BAILEY. Mr. President, this illustrates perfectly what I have been contending for. The Senator from Maryland [Mr. RAYNER] declares that no bank has been put into the hands of a receiver for paying out money below its reserve. The Senator from Florida [Mr. TALIAFERRO] says—and I think he is most probably accurate in that—that no bank was ever put into the hands of a receiver until and unless it had fallen below its legal reserve. Now, that only illustrates that a bank may fall below its reserve without being in an emergency, while other banks in an emergency repeatedly do fall below their legal reserve. To my mind it illustrates the danger of leaving this statement to stand, that a bank can use its reserve only to pay its depositors "in an emergency."

Now, to return to the statement of the Senator from Rhode Island that a serious deficiency in a reserve, or rather, to repeat his statement accurately first, I will grant you that to fall below the reserve may be a danger signal. To seriously fall below it is certainly a sign of distress. If a bank or a number of associated banks should be barely below the reserve, I should feel no apprehension about the state of the country, and I should not expect any serious financial crisis. But if that same bank or those same associated banks were to suffer an enormous diminution of their lawful and proper reserve, I would think that not only the banks themselves were involved, but that the country was to suffer from the same cause.

If the Senator means an emergency which only relates to the bank and he is willing to say that whenever any bank has paid out its cash to its reserve line it is in an emergency, I will not quarrel about that description of a bank's condition, although I still maintain that many a bank in this country heretofore and many a bank in this country hereafter, perfectly solvent and without a question about its ability to pay, has paid and will pay below the reserve limit, and then, if it is conducted according to law, it will immediately take steps to repair that reserve by receiving deposits or making collections and making no loans until the reserve has been restored.

Mr. President, I beg the pardon of the Senate for having detained it in this perhaps unnecessary colloquy, and I beg the pardon of the Senator from Maryland. I did not, when I took the floor, intend to take him off of it. I only rose to make a correction, which ought to have occupied only two minutes.

Mr. HEYBURN. Mr. President, I should like to call attention to the fact that the use of the word "reserve" implies additional power in any sense in which it is used. It is a word of reservation; of a reserve force. We speak of the reserve force of an individual. Is the individual not to draw on that reserve force when his ordinary or usable force is expended? Is an army not to call to the line of battle its reserves when the army is pressed? Are the banks of the United States not to call upon their financial reserves when their ordinary credit is pressed? The lawmaker recognized that in the very language of this section a reserve is something which is held back for use under certain contingencies, either expressed, understood, or implied. If you will take the word in any sense where it is analyzed and applied you will find that is its scope and meaning. Had the legislators intended otherwise they would have said that no bank shall pay out or deplete its fund of currency below a certain percentage. But on the face of the statute the prohibition in the case of reserves is expressed in these words, and I read from section 95, on page 24:

Whenever the lawful money of any other association shall be below 15 per cent of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its lawful money of the United States has been restored.

That is a complete statement of a legal proposition in itself. It stands alone. They shall not do those things when the reserves are below 25 or 15 per cent of the money in the bank. The law does not say, either directly or by implication, that they shall not pay their depositors when the reserve falls below 15 or 25 per cent, but it does imply in the next paragraph of this section that that is just what they are to use the reserve for—to enable them to perform the ordinary obligation which they are under when they take the money of a depositor into their keeping.

It is the depositors' money, not the bank's, and the bank may use the reserve at any time for the payment of its depositors, provided that it shall not even for that purpose maintain a less reserve than that required to be kept by law. It could

not be written plainer in the statute in any elaboration which might be attempted. That is not only the law, but the practice of banks. As has been said by the Senator from Texas, there is no obligation upon the part of the banks not to deplete their cash on hand below 15 or 25 per cent by the payment of their depositors. It was the intention of the law that such should be the case. As I said, the reserves may be called into action just as the reserve corps of an army may be called into action in time of need. The reserve in the vaults of a bank may be called into action for a limited purpose. The statute in this prohibition eliminates every other function of banking except that of paying depositors. It says they shall not do those usual things that are done for profit, and they shall not divide any profits while their reserves are below the legal requirement, but they are not prohibited from meeting the obligation of returning to the depositor the money which he has entrusted to them, without interest, for safe-keeping.

The amendment I offered on the 9th day of January, which is on the table, is intended to cover that contingency, requiring the banks to keep actual reserves instead of fictitious reserves. Of what value is it in the case of a run upon a bank in Iowa that has three-fifths of its reserves in a bank in New York City? The bank in New York City is not prohibited from using the three-fifths of the reserve which the Iowa bank has on deposit with it. So far as the depositors of the Iowa bank are concerned, the New York bank has given no security to the Iowa depositors. Do you mean to say that the bank in Iowa is required to keep 15 per cent of its individual deposits on hand as a reserve, and then by a subsequent unwise provision in the law is allowed to take three-fifths of the 15 per cent and deposit it with another reserve bank in New York, and that the depositors of the Iowa bank were intended to be left uncovered to the extent of the three-fifths? Is the depositor in the bank in Iowa to be left first unprotected to the extent of three-fifths of the reserve held for his protection that has been sent to a distant money market, and then unprotected by the actual reserve which is held in the vaults of the bank in Iowa so that it is at no time available to him or to make good the obligations of the bank?

For what purpose is the reserve intended to be held? For whose benefit? If it can not be used to pay the depositors, it can only be for the benefit of the stockholders in the bank. Does the law intend to protect the stockholders in the bank to the exclusion of the depositors in the bank? The stockholders of a bank pay in their money on the stock they purchase for the purpose of entitling them to do business with other people's money without paying them interest for it. They are entitled to the last consideration, not the first. The depositor, who is the real owner of the money, is entitled to the first consideration, and the law intended that the depositor should have it.

So, giving the right interpretation to the word "reserve," then, of course, the reserve held by the bank belongs at all times to the depositors; and the law never intended, if it had a right to do it, to abrogate the contract that is made between the depositor and the bank when the depositor places his money in the bank. The law can not and never intended to say that under any circumstances, so long as the doors of the banks are open and there is a dollar of deposits in its vaults, the man who has deposited his money there is not entitled to go there and get it to the very last dollar of cash held by the bank, because he is the owner of every dollar, so far as the question is between himself and the bank, of any money that may be in its vaults. The whole controversy seems to have arisen out of an incomplete understanding or consideration of the nature, character, and purpose of the reserves of lawful money held by the banks.

Mr. ELKINS. Mr. President, I am not a banker, but my understanding of this question is that when the reserves were created it was for a wise purpose, and that when a bank reached the limits of its reserves it was admonished that beyond that it could not make loans and must then and there stop loaning. But the law recognizes that it is perfectly legal and proper and just, and it is the practice of the banks, so long as they have any money, to pay their depositors, no matter if they exhaust the reserve, and if at the end of thirty days, after notice from the Comptroller, the reserve is not made good, the bank is taken in charge and put into the hands of a receiver. That seems to me to be the law of the case. During the recent crisis in New York a great banker, one of the heads of the greatest bank in the United States, was called upon and admonished that his reserve was down to 10 per cent. He said, "Yes; that is all right. What is the reserve for? As long as this bank has any money it will pay it out to its depositors and pay its debts."

Mr. CULBERSON. Mr. President, my position with refer-

ence to this matter appears clearly, I think, in the excerpt from the RECORD of yesterday's proceedings which was read by the Senator from Maryland [Mr. RAYNER] preceding his remarks. Some portion of the remarks submitted yesterday on this particular point does not appear, however, in the RECORD, but if it did appear it would make even clearer my position with reference to the matter. I beg the indulgence of the Senate therefore to state it again briefly.

It is, Mr. President, as I said yesterday, the object and purpose of a bank reserve to meet such demands on the bank as might be made by its depositors. All of its deposits as a rule are demand obligations of the bank which must, if the law is followed, be met promptly by the payment of money over the counter. The amount of 15 per cent was probably named in the statute because in the course of banking and in the experience of bankers it was considered that that amount would in all probability meet any occasion which might arise to pay out an unusual sum to depositors. The obligation of a bank to pay its depositors is not affirmatively stated in the law, it is true, but it arises from the very relationship of a bank to its depositors. There is an implied obligation which the law raises when this relationship is created that the bank shall pay its deposits which are subject to demand promptly and immediately in money.

Something has been said—and this law has been read—which implies that there are other contingencies in which the reserve may be trenced upon. But I do not believe any Senator has pointed out specifically the case in which that may occur. — So, Mr. President, I will read:

Whenever the lawful money of any other association shall be below 15 per cent of its deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise—

And this is the exception—

otherwise than by discounting or purchasing bills of exchange payable at sight.

In other words, Mr. President, here is an express provision of law authorizing the banks to trench upon the reserve for the purpose of discounting or purchasing bills of exchange payable at sight. In the first place, therefore, there is an implied authority arising out of the very relationship between banks and their depositors, as well as from the nature of the reserve and the purpose of its creation, for trenching upon the reserve for the payment of deposits, and in the next place there is a specific authorization of the statute for trenching upon the reserve in discounting or purchasing bills of exchange payable at sight.

I beg the indulgence of the Senate a moment to go further and say that this provision of the law respecting the reserve was intended to protect depositors, and while there is a suggestion here and there that this law ought to be repealed, or rather remain as at present modified, I submit to those gentlemen that when the banks, so far as the country banks are concerned, are authorized to loan 85 per cent of the money belonging to their depositors, they ought not to complain if they are required to keep 15 per cent of their deposits in the banks ready to meet depositors, if they should demand their money. That is the question for the Senate to determine when it comes to that matter—whether there shall not be put into the law some provision to further protect the depositors at least to the extent of 15 per cent of their deposits in country banks and 25 per cent in other banks.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I understand the Senator from Texas to contend that the bank ought always to meet demand obligations, and that the law which requires it to do it is really superior to a law which requires it to keep a reserve, and that it is the highest obligation of a bank at all times. That, I believe, is the contention of every Senator on this floor. I think I have heard no dissent from that statement, and all this discussion upon terms, as to whether an emergency exists or whether an unusual condition exists, is entirely aside from the real question before the Senate. Nobody denies the obligation of a bank to pay its demand obligations. Nobody has questioned that. And if it is necessary to use the reserve, it can be used. But that does not touch the question of the wisdom of requiring the banks—and that is what I understand the Senator from Texas is now contending for—to keep a reserve which can be used, and will be used, under unusual conditions.

Mr. CULBERSON. I do not know that I go to the extent that the Senator from Rhode Island does. The law says that the country banks shall keep in the banks, as a reserve, 15

per cent of their deposits, and I believe that the primary purpose of that law is to protect depositors.

Mr. ALDRICH. Unquestionably.

Mr. CULBERSON. I believe that this amount of money ought to be reserved in the banks because, among other things, it will tend to give confidence to depositors and enable the banks to meet any probable demand by them. I think the banks ought not to complain; I think they ought not to ask to be relieved from the necessity of setting apart 15 per cent and 25 per cent, and that they be permitted to loan it to New York banks and banks in other central reserve cities, congesting the money of the country in the centers, when the banks are already loaning 85 per cent and 75 per cent of their deposits, in so far as those deposits are represented in actual cash.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

The message also announced that the House had passed a bill (H. R. 16051) to authorize the Centerville Power Company, a corporation organized under the laws of the State of Alabama, to construct a dam across the Cahaba River, in said State, at or near Centerville, Ala., in which it requested the concurrence of the Senate.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendment of the Senate numbered 11 and agree to the same with an amendment, as follows:

After the word "Treasury," at the end of said amendment, insert the following:

"Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

"All witnesses subpoenaed and appearing for the Government and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expense of travel incurred in coming from and returning to their places of residence, which said actual expense shall be sworn to and shall be subject to the inspection, revision, and approval of the court, and shall be in lieu of mileage now authorized by law to witnesses on other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for all purposes as the tender of mileage and per diem now allowed by law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26 and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "To pay balance due the Atlanta Machine Works, of Atlanta, Ga., \$428.02," and the Senate agree to the same.

W. B. ALLISON,

H. M. TELLER,

Managers on the part of the Senate.

J. A. TAWNEY,

EDWARD B. VREELAND,

L. F. LIVINGSTON,

Managers on the part of the House.

The report was agreed to.

GOVERNMENT CONTROL OF WIRELESS TELEGRAPHY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I have received the following letter from the Secretary of the Navy:
February 12, 1908.

Sir: The Navy Department has the honor to invite the attention of the Executive to the necessity for the enactment of legislation whereby the representatives of the Government may have such control of wireless telegraphy as will insure noninterference with official messages.

The Navy Department has, by order of the President, the control of the Government coast stations, but unofficial messages sent by these stations or by public vessels may be interfered with by other wireless stations operated either by commercial companies, with a legitimate object, or by irresponsible persons with malicious intent.

Frequent occasions have arisen to illustrate the possible consequences of wireless interference. On one occasion an important message to the President of the United States while embarked on a naval vessel was interfered with and held up for a considerable time by the workings of a commercial wireless station; and instances have occurred wherein the naval stations at Newport, Washington, and San Francisco have at different times been interfered with by persons operating with no serious object.

The recent international wireless-telegraph convention at Berlin, to which the United States was a party, deals only with "wireless telegraph stations open to public service between the coast and vessels at sea," and therefore does not take cognizance of stations operated by private individuals for other than public service. It may be noted, however, that article 8 of the convention requires that: "The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless telegraph stations."

In view of the foregoing, the Navy Department recommends that such legislation be enacted as will insure freedom of official messages from interference. To accomplish this the law should make it a punishable offense:

(a) To originate or transmit a false message purporting to be official;
(b) To break in and interfere with any wireless station while it is transmitting an official message;

(c) To refuse to cease or fail to cease sending a private wireless message when called upon to do so by an operator having an official message to be sent.

It will be noted that the enactment of law of the nature proposed would never seriously interfere with the legitimate working of commercial wireless installations. The restrictions suggested are intended to apply particularly to times of peace. During war, it is contemplated that much more extensive prohibitions would be exercised, to be put into effect in the absence of legislation by Executive proclamation as a belligerent right.

I am, sir, with great respect,

V. H. METCALF, *Secretary.*

I cordially indorse all that is above stated and recommend the passage of such legislation as will accomplish the desired end.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 12, 1908.

TECHNOLOGY BRANCH IN GEOLOGICAL SURVEY.

Mr. CLAPP. I ask that the Calendar of General Orders be proceeded with.

Mr. KEAN. Yes; let us have the Calendar, under Rule VIII.

The VICE-PRESIDENT. The Secretary will state the first bill on the Calendar.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business on the Calendar.

Mr. KEAN. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from New Jersey.

PAY OF THE ARMY.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

OCEAN MAIL SERVICE.

The bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," was announced as next in order.

Mr. KEAN. Let that go over.

The VICE-PRESIDENT. The bill will also go over without prejudice.

RAILROAD CONNECTION WITH UNITED STATES NAVY-YARD.

The bill (S. 3076) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States Navy-Yard, in the city of Washington, D. C., was announced as next in order.

Mr. KEAN. Let that go over also.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

REMOVAL OF CAUSES FROM STATE COURTS.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. KEAN. Let this also go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

CAPTAIN IN THE PHILIPPINE SCOUTS.

The bill (S. 652) to create the office of captain in the Philippine Scouts was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD THROUGH THREE TREE POINT MILITARY RESERVATION.

The bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, was announced as next in order.

Mr. KEAN. The Senator from Washington [Mr. PILES] I believe wishes to be present when this bill is considered. I have no objection to it, but let it go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

MATERIAL FOR PANAMA CANAL.

The joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal was announced as next in order.

Mr. FRYE. Let the joint resolution go over without prejudice.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, at the request of the Senator from Maine.

MINNESOTA AND ONTARIO BRIDGE COMPANY.

The bill (S. 3778) for the relief of the Minnesota and Ontario Bridge Company was considered as in Committee of the Whole. It directs the Secretary of the Interior to cancel proceedings instituted by the Commissioner of the General Land Office for the recovery of the sum of \$6,276, alleged to be due the United States by the Minnesota and Ontario Bridge Company on account of timber used in the construction of the Minnesota and Ontario Bridge across Rainy River at Baudette, in the State of Minnesota, the Minnesota and Ontario Bridge Company having been five years previously to the institution of the proceedings a bona fide and innocent purchaser of the timber from parties then doing business at Baudette, Minn., but whose whereabouts are now unknown. And it relieves the Minnesota and Ontario Bridge Company of any obligation to pay to the United States Government the amount hereinbefore set forth.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF CHEYENNE AND ARAPAHO AGENCY.

The bill (S. 4541) to authorize the sale of 640 acres of the lands of the Cheyenne and Arapaho Agency and the Arapaho School, Oklahoma, and the use of the proceeds thereof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOWER BRULÉ SIOUX INDIANS.

The bill (S. 4889) authorizing the Secretary of the Interior to place on the books of the Treasury to the credit of the Lower Brulé Sioux Indians the sum of \$50,000, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPPORT OF ALBURG, VT.

The bill (H. R. 12420) to extend immediate transportation privileges to the support of Alburg, in the customs collection

district of Vermont, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEY OF CHICKASABOGUE CREEK, ALABAMA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. CLARKE of Arkansas from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

SURVEY OF BAYOU LE BATRE, ALABAMA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. CLARKE of Arkansas from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

SURVEY OF BEAUFORT HARBOR, NORTH CAROLINA.

The next business on the Calendar was the following concurrent resolution, reported by Mr. SIMMONS from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8 feet depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

SURVEY OF BOGUE SOUND, NORTH CAROLINA.

The next business on the Calendar was the following concurrent resolution reported by Mr. SIMMONS from the Committee on Commerce, which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound, on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound 100 feet in width and of a depth of 6, 8, and 10 feet at low water.

COMPANIA DE LOS FERROCARRILES DE PUERTO RICO.

The bill (S. 389) for the relief of the Compañía de los Ferrocarriles de Puerto Rico was considered as in Committee of the Whole. It proposes to give jurisdiction to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by that company in the island of Porto Rico for transporting the municipal police and guardia civil between the 12th day of August, 1898, and the 31st day of August, 1902, and for the difference between the amount allowed for transporting the troops, munitions of war, supplies, and the like, and the reasonable value of the services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of the services having been performed during the military occupation of said island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWN OF HARTSHORNE, OKLA.

The bill (S. 4289) for the relief of the people of Hartshorne, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "Oklahoma," to strike out the remainder of the bill in the following words:

In manner provided by the act of Congress approved June 28, 1898, and as amended by the acts approved May 31, 1900, and July 1, 1902: *Provided*, That all persons who have made payments on lots heretofore appraised by former town-site commissions, in case of reduction in appraisement by commission herein provided for, shall be reimbursed in amounts equal to the reduction from town-site funds belonging to the Choctaw and Chickasaw nations, under rules and regulations of the Secretary of the Interior.

And in lieu thereof to insert:

As of the date of the original appraisement made by the town-site commission; that payment already made on lots therein shall be credited on the basis of the reappraisement; that there shall be reimbursed to lot owners from the town-site funds of the Choctaw and Chickasaw nations any amounts paid by them in excess of the new appraisement, and that the first installment on the purchase price or of the balance

remaining unpaid shall be due thirty days after the service of notice of reappraisement, but in all other respects the existing laws relating to the sale of town lots and issue of patents therefor in the Choctaw and Chickasaw nations shall remain in full force and effect.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to make, and shall cause to be made, within sixty days from the passage of this act, a reappraisement of the town of Hartshorne, Okla., as of the date of the original appraisement made by the town-site commission, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA.

The bill (S. 4922) providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, line 5, after the word "section," to strike out the words "twenty-one hundred and eighty-three" and insert "twenty-three hundred and eighty-one"; and on page 2, line 4, after the word "proceeds," to insert "after deducting the expenses necessary to carry out the provisions of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to plat and sell in accordance with section 2381 of the Revised Statutes of the United States the following-described tract of land, to wit: The south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma: *Provided*, That the Secretary of the Interior shall reserve from said tract of land, when surveyed, one block for public park and two blocks for public school purposes, and shall cause to be erected two suitable school buildings out of the proceeds arising from said sale, the remainder of proceeds, after deducting the expenses necessary to carry out the provisions of this act, to be converted into and become a part of the fund belonging to the Comanche, Kiowa, and Apache tribes of Indians: *Provided further*, That said sale shall be made as soon as practicable after the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUNDS FROM TOWN LOTS IN OKLAHOMA.

The bill (S. 2893) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., was announced as next in order.

Mr. GORE. I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

KIOWA-COMANCHE, AND APACHE LANDS.

The bill (S. 2892) to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

FREE TRANSPORTATION OF RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

Mr. HEYBURN. The Senator from Minnesota [Mr. CLAPP] desires to have action upon Senate bill 4260, which, I am assured, will incur no debate. I therefore ask unanimous consent temporarily to lay aside the unfinished business, to be resumed immediately after the consideration of that bill.

The VICE-PRESIDENT. The unfinished business will be temporarily laid aside at the request of the Senator from Idaho.

Mr. CLAPP. I ask unanimous consent for the consideration of the bill (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Interstate Commerce with amendments.

Mr. HEYBURN. I should like the Senator in charge of the bill to state what class or what individuals are permitted to travel on passes or to receive them who are not already permitted to do so under existing law.

Mr. CLAPP. While the bill recites the former exceptions, the only difference between the pending bill and the present law is that so far as employees of railroads are concerned it includes superannuated, disabled, and furloughed employees. It also allows the railroads in the various parts of the country, where there is a general demand in some sections in the summer months and in the winter months in some other sections, to transport the men back and forth without charge. We have limited it and kept it right down germane to the one proposition of the employees of railroads.

Mr. OVERMAN. Is the change in regard to employees of railroads the only change?

Mr. CLAPP. It is the only change.

Mr. KEAN. That is the only change.

The VICE-PRESIDENT. The amendments reported from the Committee on Interstate Commerce will be stated.

The first amendment was, on page 2, line 1, after the word "amended," to strike out the following:

By inserting after the proviso in said paragraph the following:
 "Provided further, That the term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become crippled or infirm in the service of any such common carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term 'families' as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier, and also the remains of such person."

So as to read:

That paragraph 4 of section 1 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be amended so that said paragraph as so amended will read as follows:

"No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such homes; to necessary caretakers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons."

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "become," to strike out "crippled" and insert "disabled;" after the word "carrier," in line 21, to insert "and the remains of a person killed in the employment of a carrier," and on page 4, line 3, after the word "carrier," to strike out "and also the remains of such person," so as to read:

Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: Provided further, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF LAPENE & FERRE.

Mr. HEYBURN. The Senator from Louisiana [Mr. McENERY] desires to have a bill passed. I yield to him for that purpose.

Mr. McENERY. I ask for the present consideration of the bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre.

The Secretary read the bill, and, there being no objection,

the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the legal representatives of Jules Lapene, late of New Orleans, La., deceased, and the legal representatives of Auguste Ferre, late of Pau, France, deceased, formerly partners in trade engaged in a general mercantile business in said city of New Orleans and State of Louisiana, under the firm name of Lapene & Ferre, to bring suit in the Court of Claims against the Government of the United States for the net proceeds of the sale, by the agents of the United States, of 179 bales of cotton, now in the Treasury of the United States, claimed to be the property of the firm of Lapene & Ferre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I now call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. Section 198a was amended and then passed over. Does the Senator from Idaho desire to take up that section?

Mr. HEYBURN. An amendment was suggested by the Senator from New Jersey [Mr. KEAN.] I do not know whether he intends to press the amendment or not. I would appeal to him that the amendment seems to the committee hardly necessary. It is a question as to shooting at the horse of a mail carrier. The Senator proposed to insert "any other instrument of carriage."

Mr. KEAN. I do not insist on the amendment. I withdraw the amendment.

The VICE-PRESIDENT. The Senator from New Jersey withdraws the amendment.

Mr. HEYBURN. I see the Senator from Georgia is in the Chamber.

Mr. BACON. I am very sorry the Senator does not see some one else besides myself.

Mr. FRYE. It is not necessary to have anybody else.

Mr. HEYBURN. I would direct the attention of the Senate to the fact that the instruction given, when the bill was first read, that the existing law should be retained, has been complied with in the reprint. The reprint is a consolidation of the existing law.

Mr. BACON. Preserving the features which were formerly eliminated and which were reinserted in the reconstructed paragraphs.

Mr. HEYBURN. Yes; they are preserved; so that section 198 may be adopted and section 198a may be eliminated.

Mr. BACON. That eliminates 198a?

Mr. HEYBURN. Yes; it eliminates 198a.

The VICE-PRESIDENT. That was the amendment proposed by the Senator from Idaho, and it was agreed to. The Senator from Idaho moves that the vote by which the amendment was agreed to be reconsidered. Without objection, it is so ordered.

Mr. HEYBURN. I want to be sure that we exactly understand the situation. The amendment was proposed and agreed to when the bill was read originally. It only remained to formulate the amendment, which consisted of recurring to existing law. Now, that was adopted; the RECORD shows it. It really remained to bring the existing law into the bill as reported in lieu of the section as it was originally printed in the bill, and the reprint to stand.

The VICE-PRESIDENT. At what point in the original bill does section 198a appear?

Mr. HEYBURN. It agrees with the amendment that was adopted. It is simply the formulation of an amendment which was adopted.

Now, Mr. President, I should like to inquire of the Senator from Georgia—

The VICE-PRESIDENT. In order that there may be no misunderstanding about it, the Chair would ask the Senator from Idaho whether the amendment 198a, agreed to yesterday, is to stay in the bill or go out.

Mr. HEYBURN. No; it is to go out.

The VICE-PRESIDENT. It is so ordered.

Mr. HEYBURN. And 198 in the print is the section as amended.

Now, Mr. President, I would inquire of the Senator from Georgia whether he desires to insist upon any further objection to section 185, the status of which seems to be in some uncertainty. That was the section with reference to the carrying of mail relating to the cargo. No amendment was proposed and the section was just allowed to be passed over. I would inquire

whether the Senator from Georgia desires to consider it further or to offer an amendment to section 185. I repeat, the status of it seems to be in some uncertainty.

The VICE-PRESIDENT. The Chair will recur to section 198. He is of opinion that there is some misunderstanding about it on the part of the Senator from Idaho. The bill reported to the Senate on January 7, 1908, is the text of the bill that is being amended. Section 198, on page 24 of sections of the bill passed over to be taken up for further consideration, is not the same identically with section 198 in the bill reported by the committee. If the Senator wishes to adopt section 198 among the sections passed over, it will, in the opinion of the Chair, be necessary to offer it as an amendment to the original text.

Mr. HEYBURN. I will offer as an amendment to section 198, as passed over, section 198 as contained in the reprint.

The VICE-PRESIDENT. That is correct. The Senator from Idaho proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 198, on page 102, and to insert as section 198 the following:

SEC. 198. Whoever shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be imprisoned not less than five years nor more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, he shall be imprisoned for life.

The amendment was agreed to.

Mr. HEYBURN. I now move to insert after section 198, as just adopted, section 198a, which I send to the desk.

The VICE-PRESIDENT. The Senator from Idaho moves an amendment, which will be stated.

The SECRETARY. At the end of the amendment just agreed to it is proposed to insert the following:

SEC. 198a. Whoever shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with a dangerous weapon, and shall not effect such robbery, shall be imprisoned not less than two nor more than ten years. //

Mr. HEYBURN. Mr. President, I now desire to recur to section 185, and to ask the Senator from Georgia if he desires further consideration of that section? The section, I will say, was informally passed over.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I will say to the Senator from Georgia that we spent a good deal of time yesterday in considering this section and I presumed had arrived at a conclusion mutually satisfactory; and, unless the Senator from Georgia has some amendment to propose, I should like the Record to show that the section is agreed to.

Mr. BACON. Mr. President, I am not willing that the section shall be adopted in its present shape. I said to the Senator yesterday that, if he insisted upon it, I should have to ask the Senate to determine between us in regard to that matter. My only purpose in making that statement is that I think the section as it now stands will certainly work manifest injustice to all carriers unless it is disregarded.

The colleague of the Senator on yesterday read an opinion from one of the Attorneys-General construing this law in such a way that there would be no injustice done. That construction was, in my opinion, based upon an utter disregard of the language of the law as it is now written. I said to the Senator from Idaho that I would be perfectly content if this section was so recast that it would in fact express what the opinion of the Attorney-General said he thought it did express; in other words, I simply wish that the section shall be put in the shape that the Attorney-General construes it now to be in.

The language of the statute as it is now found in the books and as it is proposed to be reenacted in this revision expressly limits the right of the common carrier. I use the words "railroad company," though of course I think it refers to any other kind of common carriers. The statute expressly limits the railroad company—using that term as representative of all common carriers—in the sending of any letter or packet, to letters or packets which shall relate to the business of the particular train upon which that packet or letter is sent, or to some article which is being carried by that particular train. The opinion of the Attorney-General, quoting one of the regulations of the Post-Office Department, expands that to mean practically anything which relates to the business of the company. The opinion of the Attorney-General goes on to say that Congress, in the enactment of the law, intended to exclude the business of others, but did not have reference to the business of the railroads. I am stating substantially, I think, and with reasonable accuracy, what was said by the Attorney-General in construing this section. I said yesterday, and I repeat, that it is impossible that

this language can properly be construed to mean any such thing, it being expressly limited, as I said before, to the train upon which the letter or packet is carried, or to some certain business of that train, or to some article carried on that train. That language is too explicit, too definite, too exact to make it possibly mean any other business of the railroad company. I am not desirous that the railroads should have any advantage in this matter to the extent suggested by the Senator on yesterday, or that they should be allowed privileges not allowed to other people, or that they should have any of their letter mail carried free. Therefore I am perfectly content, not that it should go to the extent suggested by the Attorney-General of including all their own business and only excluding the business of others, but that it should be limited to their current daily business in the operation and maintenance of their road or of other common carriers with interests similar to theirs.

While I do not entirely go to the extent of favoring the amendment offered yesterday by the Senator from Colorado [Mr. TELLER], proposing to insert the words "for compensation," I would still be content with that, though it may be a little too broad, because it would enable the carriers not only to send all of their own communications, but those of anybody else, if they chose to take it free. I think there is an objection to that, but not as much objection as there is to the present words of the law, because I do not think that that would be very much availed of by the railroad companies.

But I shall ask, Mr. President, that the provision be so amended that the railroad companies shall have the right to do that which it is an absolute necessity they shall do—a necessity so great that the Post-Office Department in issuing the order has construed the language of the law to mean exactly the opposite of what it says, and so great that a former Attorney-General of the United States, great lawyer as he is, recognizing the necessity, has construed the words into a meaning that can not possibly be defended. I am only asking that the law be put in such shape as the Attorney-General has construed it to mean.

Mr. HEYBURN. Mr. President, the law exists now as the committee have reported it, and if you just drop it out of consideration in connection with this code it would leave the railroad companies where they now stand.

Mr. BACON. Yes; that is true.

Mr. HEYBURN. Mr. President, I submit to the Senator from Georgia the proposition that no amendment to this law has been submitted for consideration covering the objections of the Senator. So the committee is rather helpless.

Mr. BACON. On the contrary, if the Senator will pardon me for an interruption, there is pending here an amendment offered yesterday by the Senator from Colorado [Mr. TELLER].

Mr. HEYBURN. I understood that amendment was not pressed; but it does not affect the question suggested by the Senator from Georgia. I presume that, unless some amendment is offered, this section will have to be dealt with as it stands, it being existing law.

The VICE-PRESIDENT. The Chair will state for the information of the Senator from Idaho [Mr. HEYBURN] that the amendment proposed by the Senator from Colorado [Mr. TELLER] is pending.

Mr. HEYBURN. I am ready to consider that amendment, but the Senator from Colorado seems not to be in the Chamber at the moment, and I think we had better pass the section over. But unless some amendment is proposed to it, it will be necessary either to drop it out of the code or else let the existing law stand.

Mr. FULTON. Mr. President—

Mr. BACON. If the Senator from Oregon will pardon me a moment, I will state that I have not proposed any amendment because I gathered the impression from what occurred yesterday in a conversation I had with the Senator from Utah [Mr. SUTHERLAND] that possibly an amendment would be proposed by those representing the committee after the matter has been discussed as it has been.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. FULTON. I do not wish unduly to interrupt the Senator from Idaho, but I wish to request that the amendment offered by the Senator from Colorado [Mr. TELLER] may be stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 96, line 12, after the word "carry," it is proposed to insert "for compensation," so that if amended it will read:

Or conveyance of any kind which regularly perform trips at stated periods on any post route, or from any city, town, or place to any

other city, town, or place between which the mail is regularly carried, and which shall carry for compensation, otherwise than in the mail, any letters or packets, etc.

Mr. FULTON. It seems to me, Mr. President, that that is probably a little too broad. It would allow a company to engage in business that would be unnecessary for it to engage in the conduct of its own particular business or business relating to the railway line.

I suggest to the Senator from Georgia [Mr. BACON], who brought the question up, that if in line 12, after the word "vessel," there were inserted the words "or to the management or conduct thereof," and in line 14, after the word "vehicle," there were inserted the words "or to the management or conduct of such railway, stagecoach, or other vehicle," I think that would cover the objection of the Senator. Am I taking too much of the time of the Senator from Idaho?

Mr. HEYBURN. Certainly not.

Mr. FULTON. I think that would cover the objection raised by the Senator from Georgia to the section, but I am free to state that I do not agree with the construction which the Senator from Georgia places on that section. I believe the construction given by the Attorney-General is substantially correct, because I think, taking the section as a whole, it is quite apparent that it was not the purpose of the law to interfere with a company in sending communications directly down its line in regard to the management of the railway or the stagecoach line. Very manifestly, I think, the purpose was to prevent it from carrying mail unless it related to the cargo. Now, matters pertaining to the disposition of the cargo would be sent probably, not by the railway managers or the owners of the steamboats, but by the shipper. It permits that such mail as that may be carried by the railway line or the stagecoach. I think it is quite clear that it was not designed to prevent the railway line, the stagecoach line, or the steamboat line from sending directions as to the conduct or management of its business along with its employees. However, it seems to me there can be no objection to inserting some words there that would make that clear, and I suggest the insertion of the words I have named to make it clear.

Mr. BACON. Mr. President, I have the greatest respect and confidence in the good judgment of my friend from Oregon, and I should like to resume my law studies a little with him to see if he can tell me how he can construe the language I am about to read to mean that the railroad company could carry any message or any writing—for instance, a letter—which related to anything else than to those things which are specified in this proposed statute, and those words are these:

Which shall carry, otherwise than in the mail, any letters or packets—

Now comes the exception—

except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle.

How those words can be construed to include the right to send any letter except a letter which relates to some part of the cargo on that particular train or to some article carried at the same time I am unable to see. That is the explicit language. There is the restriction in as plain words as language can make it.

Mr. FULTON. Mr. President, I, of course, will not undertake to so explain my views as to convince the Senator from Georgia. He has his views, and I do not undertake to say that he may not be correct; but my contention is—and to me it is reasonably clear—that the purpose of this section was to prevent them carrying mail matter. In order to ascertain the meaning and purpose of a law, you have to take into consideration the subject with which it is dealing. In this instance it is dealing with mailable matter, and it says:

And which shall carry, otherwise than in the mail, any letters or packages, except such as relate to some part of the cargo.

Mr. BACON. Read that part of it to which you are coming. Read the exception carefully.

Mr. FULTON. I will read it again:

And which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel.

Manifestly, "such as relate to some part of the cargo of such steamboat or other vessel" refers to matter that would be sent by the shipper. The steamboat company would not be sending that sort of matter. Manifestly, it would be sent by other parties, and therefore reference is had merely to matter sent by other parties.

I do not think that a direction sent by a railroad company to an employee several stations beyond as to the conduct of its business or what should be done when a train reached there would be considered a letter within the meaning of the postal

laws, because that is a mere message or order sent to its employee. It may be sent in writing or not. Within the contemplation of the subject in mind it is not a letter; but taking a letter from some other person or taking a message or direction from some other parties and carrying it would be practically carrying the mail. When the section makes an exception to some direction in regard to the cargo, I say that manifestly has reference to some direction sent by the shipper. I do not think it was ever intended to preclude a railroad line or a steamboat line from sending directions to its employees along down the line for the management and conduct of its own particular business.

Mr. SUTHERLAND. Mr. President, if an amendment is in order, I move to amend this section. I have not before me the same copy of the bill which the Secretary has, but after the word "vessel," in the eighth line of the print I have of the section, I move to insert the words "or to the current business of the carrier;" so that it will read:

Except such as relate to some part of the cargo of such steamboat or other vessel, or to the current business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, etc.

Mr. TELLER. It seems to me that that covers the complaint that we have been making, and I withdraw my amendment.

Mr. BACON. I am content with that. I suggested that amendment to the Senator from Utah yesterday, but it was not accepted at that time.

Mr. SUTHERLAND. Just one word. I move that amendment because I think that it puts in express language precisely what the section means as it stands without it. I entirely agree with what the Senator from Oregon [Mr. FULTON] has said with reference to that. I think the opinion of the Attorney-General, to which I called attention yesterday, gives the correct construction to this section. The section is dealing with the carrying of mail for others. It is not dealing with the question of the carrying of the mail of the carrier itself. The language to which the Senator referred, namely, "except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time," can very well have reference to mail matter intended for others, but having reference to the cargo or having reference to some other article carried by the same carrier—

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SUTHERLAND. Yes.

Mr. FULTON. I ask the Senator from Utah if he thinks there is any danger that those words would be construed as extending beyond the business and management and conduct of the steamboat or railway line? It is proposed to add "or to the current business of the carrier." I do not know but that would restrict a letter being carried pertaining to some other business than the management of or the conduct of the line.

Mr. SUTHERLAND. I do not think the amendment would be susceptible of that construction. It certainly is not my intention that it should be. I think it should be clear under the law that the carrier should not have the right to carry mail intended for others, but only its own mail. To that extent I think the law should permit the carrier to go.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 96, in line 14, after the word "vessel," it is proposed to insert the words "or to the current business of the carrier."

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read the next section passed over, as follows:

SEC. 204. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master or other person having charge or control of such vessel when arriving and be taken from the United States post-office when departing and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country over or across the United States or any portion thereof, the party offending shall be fined not more than \$1,000.

Mr. BACON. Mr. President, I do not recall by whose suggestion that section was passed over.

Mr. HEYBURN. I have not at any time known why this sec-

tion was passed over. It contains no new legislation. It is made up of other statutes. The only change from existing law is its being adapted to conditions that have arisen since the original law was enacted, which is obvious on its face. The words in italics—"or other person having charge or control"—indicate the change. It is intended to avoid technicalities that have been raised by certain persons who are really chargeable with the offense committed and who have escaped because they were not within an enumerated class. The reason for making it sufficiently broad to include all persons who are responsible is obvious.

Mr. BACON. I want to say to the Senator that I am raising no objection to the section. My impression is, though, that the section was passed over at the suggestion of some member of the Post-Office Committee.

The VICE-PRESIDENT. The Chair would suggest for the information of the Senator from Georgia that it was not passed over at the request of any Senator. It does not appear by the notes of the Secretary as having been passed over.

Mr. HEYBURN. Mr. President, on the margin of the copy of the bill which I use I have noted that the section was passed over at the request of the Senator from Georgia [Mr. BACON]. That is the marginal note.

Mr. BACON. I think the Senator is mistaken about that.

Mr. HEYBURN. I may be mistaken.

Mr. BACON. It may have been passed over at the request of my colleague [Mr. CLAY], who is on the Post-Office Committee.

The VICE-PRESIDENT. The Secretary has no record of it.

Mr. HEYBURN. Then let it be adopted without further consideration.

Mr. BORAH. Mr. President, I ask that we return to section 115, as I presume it is desired to take up the deferred sections as rapidly as they can be considered.

The VICE-PRESIDENT. The junior Senator from Idaho asks that section 115 may be now considered. The section will be read.

The Secretary read the section, as follows:

SEC. 115. [Whoever, being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.]

Mr. BORAH. Mr. President, I desire to withdraw the amendment which I submitted to that section yesterday and to offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Idaho withdraws the amendment to the section which is before the Senate, and proposes an amendment which will be stated.

The SECRETARY. After the word "any," in line 24, on page 57, it is proposed to insert the words "court in any civil cause;" so as to read:

SEC. 115. [Whoever, being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any court in any civil cause, department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, etc.]

The VICE-PRESIDENT. Without objection—

Mr. McLAURIN. Mr. President, there is objection.

Mr. TELLER. I should like to know what section it is.

The VICE-PRESIDENT. Section 115, line 24, page 57.

Mr. TELLER. There is no such line in the copy of the bill I have before me.

The VICE-PRESIDENT. The Senator from Colorado does not have before him the text of the bill which is before the Senate.

Mr. TELLER. This is the last print.

The VICE-PRESIDENT. The last print is not before the Senate. The text which is before the Senate is the bill proper.

Mr. TELLER. We want a vote on the amendment. It can not pass nem. con.

Mr. HEYBURN. It is after the word "any," in line 24 of the reprint, I will say to the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. HEYBURN. I assumed that the Senator from Idaho was going to make some remarks in regard to the amendment. I certainly do not intend that it shall be adopted without some discussion.

Mr. BORAH. I have no desire to discuss the proposition. I simply wish to submit it to a vote of the Senate.

Mr. HEYBURN. Mr. President, the question involved in this amendment was discussed yesterday. It is the same question; only it is presented in a different form. I should like very much to make some progress with the bill. We have spent some hours over the question whether railroad companies should carry communications between employees with or without postage, and have not made very much progress. We discussed this question pretty well yesterday. I do not know that any Senator has anything further to say, nor do I know that he has not, and I think probably the amendment had better go over for the day and see if we can make some progress with the bill. There are not enough Senators in the Chamber to attempt to vote upon it, and it might defeat the purpose of the consideration of the bill to-day.

The VICE-PRESIDENT. Without objection, the section will be passed over.

Mr. BURKETT. I was watching section 185, and just as the Clerk got to it some one called me to the rear of the Chamber, and it was acted upon. I did not notice it. I should like to have the amendment put in section 185 read.

The VICE-PRESIDENT. The Secretary will read, as requested.

The SECRETARY. On page 96, line 14, section 185, after the words "other vessel," insert "or to the current business of the carrier."

Mr. TELLER. I think we ought to be furnished with the print that the Clerk reads from.

Mr. HEYBURN. There are plenty of them.

Mr. TELLER. I have a print here, the last one made, I understand. I can not follow it either by the sections or the pages. I want to know exactly what the Clerk is reading from.

The VICE-PRESIDENT. The Secretary is reading from the text of the bill. Evidently the Senator from Colorado has a different print.

Mr. TELLER. There are three or four prints here.

Mr. HEYBURN. The Senator is confusing the report of the committee with the bill. There is only one print of the bill. The report of the committee as originally printed has been reprinted, omitting the sections disposed of, but the bill has been printed but once.

Mr. TELLER. Then we ought to have it according to the report of the committee.

Mr. HEYBURN. It is being read from the bill. The report of the committee is merely for the convenience of Senators.

Mr. TELLER. Will the Clerk tell us where we are? I think I have the proper print now.

The VICE-PRESIDENT. The amendment which was reported by the Secretary at the request of the Senator from Nebraska is in line 14, page 96, of the bill.

Mr. BURKETT. I do not have a copy of the bill, but I think it is in line 12 of the print which the Senator from Colorado has.

The VICE-PRESIDENT. The Chair will suggest that if Senators follow the reprint of sections passed over, the lines and pages do not correspond with the text of the bill, and there will be a great deal of confusion. The Secretary has before him only the text of the bill reported by the committee and not the reprint of the sections taken out, passed over, and reprinted.

Mr. HEYBURN. I would suggest to Senators that a page can furnish them with a copy of the bill in a moment. There are a number of them here.

Mr. TELLER. I have a copy of the bill. I want to find out what the amendment is.

Mr. FULTON. The Clerk read the amendment a moment ago in these words, "or to the current business of the carrier." I did not understand the Senator from Utah in offering the amendment to suggest the word "or." I think it simply is after the comma to insert the words "to the current business of the carrier."

Mr. SUTHERLAND. That is correct.

Mr. BURKETT. Mr. President, I understand an amendment has been made to this section. I was sitting here watching it and was called to the rear of the Chamber at the moment when it was acted upon. It seems to me in that amendment we have

opened up a pretty big proposition, and I should like to have it go over. If it is agreeable to the Senator in charge of the bill to have it go over until the next time we take up the bill, I should be glad to have that done. Or else I want an opportunity when the bill comes into the Senate to interpose some objections to the amendment, if the conditions are as I think they are. I do not wish to make a motion to reconsider if the Senator would rather handle it by unanimous consent in some other way.

I fear we open up there a competition for a good deal of business, for, as I understand the amendment, it opens up all the business of a railroad company without any let or hindrance. I think that is more than a railroad company or anybody else ever contended for. I should like to interpose at some time an objection to it, and I should like to have a little opportunity to look it up and see just what the conditions are now. If the Senator wants to pass it over, very well. If he does not, I will move to reconsider.

Mr. HEYBURN. I shall in a moment ask that it be passed over. It has been adopted. Of course, it is open to recurrence. But it is most unfortunate that the consideration of a section of the existing law, as that section is, which has been in operation for twenty-seven years, or thereabouts, which has been construed by the administrative department of the Government, should take up almost one entire day, to the end that the railroad company is exempted from paying duty on its letters as others are required to pay. I think we have probably spent enough time over that section now to justify us in laying it aside, hoping that a little quiet, careful study within the seclusion of their chambers will enable Senators to see that this amendment will simply extend what is already construed to be practically a frank to the railroad companies to the extent of thousands and thousands of dollars, which privilege they ought never to have had.

Mr. BURKETT. Mr. President—

Mr. TELLER. It is not a frank, because the company does not put the communications in the mail.

Mr. HEYBURN. It carries them in the cars.

Mr. TELLER. They are not carried in the mail. They are carried by their employees from one point to another, just exactly as the merchant who has three stories sends from one story to another his orders in writing by his employees.

Mr. HEYBURN. I hope the matter will go over for the day. I think I see the scope of it.

Mr. BURKETT. I will say, since the Senator from Idaho has so much feeling in the matter, that if this section has been construed satisfactorily to him for so long, I do not see any necessity for having any amendment made to the law. The very fact that this is chucked in here indicates that there is some method behind it, and anybody with as much observation as a member of the Senate ought to have has observed in times past that there is a reason why these particular words are proposed.

Now, so far as I am concerned, I propose to find out what the ruling of the Department is, and I propose to find out what it includes. I know, as every Senator does, that the railroad companies are to-day paying postage on a vast amount of their business. If this amendment is put in, it will not only include traffic mail—messages with reference to their traffic—but it will include all of their mail between one law officer of a railroad company and another, a privilege for which they have never contended, as I understand.

I think the law was made for two purposes. In the first place, the Government did not want any competitors. It did not want any concern—a stage coach or a mail carrier or a railroad company—competing with it in the same kind of business. The fact that a railroad company or a stage-coach line or a letter carrier makes a contract to carry the mail constitutes no reason why it should have its mail transported free, any more than anybody else who has a contract with the Government should have a similar privilege. Of course I know Senators may say that the roads themselves do the hauling, and the Government does not. That is true, and yet there are equities that the Government has in this fact: By the contract it makes the equipment is furnished, and there is the special car that is supplied, and, certainly, those facilities are brought about by the contract that the Government makes. There are limits beyond which, it seems to me, the railroad ought not to go or expect to go, and, as I understand, does not go now, with the use of these trains without paying postage rates.

Mr. HEYBURN. The Senator from Nebraska seems to be under the impression that I have favored this amendment. I have been speaking against it and opposing it. The decision which he expresses a desire to hear read has been read and re-read and discussed in this Chamber by several Senators during

the consideration of this section. I have opposed the amendment for the reasons stated by the Senator, and it is not now in the bill because of any acquiescence on my part that the section should go in.

Mr. TELLER. The suggestion of the Senator from Nebraska that there is something back of this section comes at a very bad time and with little grace when the Senator who made the fight on this is out of the Chamber. If the construction that has been put upon the law is correct, the law is not changed in the slightest degree by the amendment. This has been the custom of railroad companies for many years to my certain knowledge. The Attorney-General has said that that was the meaning of the law, as read here the other day. Perhaps there is not any necessity for an amendment of this provision, and I am certain that no railroad company has given it the slightest attention or cares a continental one way or the other whether it is amended or not. They are doing this, and they have been doing it to my certain knowledge for fifty years. I had in my younger days some connection with those matters. I know that current business is sent not by mail, but by the hands of a messenger. That is always the case and always will be the case, I have no doubt. The Senator who has been discussing this, more particularly upon a point of law, is now present, and therefore I shall say nothing more about it.

Mr. FULTON. Mr. President, I think the Senator from Nebraska, in employing the language he did, unintentionally did an injustice to those who have consented to this amendment and to the Senator who offered the amendment, the Senator from Utah. I do not think the Senator from Nebraska intended to do so, but he spoke of this amendment as having been chucked in here for some purpose, and, from the language he used, the inference was, for some ulterior, hidden, or secret purpose. I think it is due to the Senator from Utah to say that the way the discussion arose was on a suggestion of the Senator from Georgia, that if a relief train were to be sent down the line—I think that is what the Senator suggested—the railroad company could not, under this law, literally construed, send along a letter of instructions as to the conduct of the train. Others thought differently. But because some were so strongly of the opinion that the correct construction of the section would lead to such a result, the Senator from Utah offered the amendment, which was accepted, and which does nothing more than simply make the section plainly express what the Attorney-General has held it meant and has been the law.

Mr. SUTHERLAND obtained the floor.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I was not in the Chamber, having for the moment been called out, and I do not know what the particular language was, except what I have heard quoted by the Senator from Colorado and the Senator from Oregon, and I want to say that so far as I am concerned I am not at all disturbed by it. I do not think anybody will consider that I had any ulterior motive in the matter.

Mr. SUTHERLAND. Mr. President, I do not quite understand what the Senator from Nebraska meant by intimating that there was some purpose behind an amendment of this character other than appeared upon the face of it. If he had been in the Chamber listening to the debate, which has occupied perhaps two hours of the time of the Senate, he would have heard that I have contended all the way through that the amendment was not necessary at all. So far as I am concerned, I do not care two straws whether it goes into the bill or out of it. I think the law means the same whether the amendment is in it or not.

I called attention to a decision of the Attorney-General to the effect that that was the meaning of the law and contended that an amendment was not necessary. Other Senators in the Chamber seemed to think it was necessary. An intermediate discussion seemed to be in progress, and in order to put an end to it and to make the law read as I think it means, I offered the amendment. I had no other purpose at all in offering it.

Mr. BURKETT. Mr. President, it seems that almost everyone who has arisen to speak on this amendment does not believe in the amendment, and yet Senators seem to take some offense at something I may have said. I do not know and I can not recall (and I have to no purpose inquired of those sitting about me) that I have said anything reflecting or which in any possible way could be construed to reflect upon anybody's motives. I certainly had no intention of reflecting upon the motives of anyone here. But the very fact that this is in the section indicates that in somebody's mind there is a need of some sort for it. That is what I intended to say, and I think those are about the words I used.

Mr. FLINT. I should like to ask the Senator from Nebraska whether he was present yesterday and listened to the debate or has read in the RECORD the debate of yesterday?

Mr. BURKETT. I was present and heard almost all of it, I will say to the Senator from California.

Mr. FLINT. Then I do not understand how the Senator could have the idea he has that it was chucked into this bill.

Mr. BURKETT. It seems to be in there. I do not know whether it was chucked in or how it got in. It is in just the same.

As I was saying when the Senator rose, if I have said anything that in any way reflects upon the motive of any Senator upon the floor, I certainly withdraw it, because I am not one of those who reflect on people's motives. When you put in that clause there, which reads "to the current business of the carrier," you throw the thing wide open, and the Post-Office never has thrown the thing wide open, and the railroads themselves have never thrown it wide open in their construction of it. If you put that amendment in there, in my opinion, a railroad official can write a letter to anybody on the current business of the railroad and transport it free. I do not believe it is the intention of Congress, I do not believe it is the intention of the Senator who introduced the amendment, that it should be carried to that extreme. I suspect it was his idea largely, as the law has been construed by the Department and as the railroads have done, that messages and letters that pertain to the immediate traffic management of the railroad should be sent along the line by the messengers who go along. But I do not believe it was ever intended by the Senator who introduced the amendment that all the correspondence which a railroad official or employee anywhere has with another official or employee or with an outside party should be carried free. It simply means that so far as the railroads are concerned—and they do a vast mail business—they can build up a mail service entirely outside the Government postal service. I do not believe that was the intention of the Senator who introduced the amendment, and it certainly has never been the intention or the construction of the Department, and it never has been the intention and construction of the railroad companies themselves.

I listened to the debate. I kept out of it. I did not expect the amendment would go through, I will say. Just as it was voted on I was sitting on one of the settees in the rear of the Chamber, and that is why I brought up the matter later on. I have no objection to making the section conform to the rulings of the Department, but it seems to me the rulings of the Department are broad enough. If it is construed that broadly, I can not see why we should put some new words in the section that will call for a new interpretation and undoubtedly be a broader interpretation than has ever been put on the section.

The VICE-PRESIDENT. The Secretary will read the next passed over section.

The Secretary read as follows:

SEC. 207. Whoever, being a postmaster or other person employed in any branch of the postal service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office, or other branch of the postal service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post-office; or whoever, being a postmaster or other person employed in any post-office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post-office, shall be fined not more than \$500 or imprisoned not more than two years, or both.

SEC. 218. [All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or deliver, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than \$1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether

transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.]

Mr. CLAY. Mr. President, this is a section which I do not believe should be adopted. I do not think the change ought to be made. Let us take the law as it now stands:

Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, handbills, posters, unsealed circulars, prospectuses, books, book manuscripts, proof sheets, corrected proof sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding 12 ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail bag or the person of any one engaged in the postal service. All liquids—

This is the provision I desire to call attention to—

All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails.

Mr. President, under the provision of existing law the Postmaster-General has held that liquors could not be placed in boxes and sent by mail. That has been a regulation of the Department in carrying out this provision of the law for a number of years.

The Postmaster-General will be required, as it is proposed to change the law, to carry through the mails beer, whisky, liquids of any kind from one State to another. Take my State. The legislature of my State has enacted a prohibition law. Take Tennessee, and then you can take other States which have not adopted prohibition laws. The whisky houses in those States can pack their whisky in boxes and send it through the mails, as you propose to change the law. If you leave the law as it was, that can not be done. It would be a violation of the law. I believe we ought to assist the States in carrying out their laws. I believe that instead of making it compulsory upon the Postmaster-General to deliver mail matter of that kind, we ought to make a penal law and enforce it, so as not to allow liquors to be shipped from a wet to a dry State. I can not imagine why this change was made.

I will ask the Senator in charge of the bill whether the change was made by the committee or by the revisers?

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly.

Mr. HEYBURN. The act of March 3, 1879, divided mailable matter into four classes. This was accomplished by dividing third-class matter into two classes, the third and fourth, and fourth-class matter was therein defined to be, just as provided in the section, "all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service."

This act has been amended from time to time so as to exclude certain enumerated articles. In the judgment of the committee the prohibition contained in existing law is just as strongly contained in this proposed form of legislation.

Personally, I am in entire sympathy with the purpose which the Senator has in view of excluding liquor from the mails, and if the section as reported does not accomplish that purpose, I will accede to any amendment which will leave no doubt about it.

Mr. CLAY. It certainly does not accomplish it, I will say to the Senator, because the old law expressly provides that liquids or liquors shall not be considered mailable matter. You could not, to save your life, under existing law, without violating it, pack a bottle of liquor and ship it through the mails. But surely if this change is made there is no question but that you can do it.

I do not believe the Senator answered my question. I asked him whether this change had been made by the committee or whether the revisors appointed by Congress to revise these statutes made it.

Mr. HEYBURN. I will have to look that up.

Mr. CLAY. Mr. President, I do not charge any member of the committee with any such knowledge—I am incapable of doing it—but it has been charged that the liquor interest of this country is back of this legislation. It is a fact which I know to be true that wholesale liquor houses outside of my State and adjoining my State are lined up on this change in order to enhance their business.

I maintain the proposition that when a State by a majority of its people adopts prohibition it is the duty of Congress to

come to its assistance and to prevent in every way possible the shipment of whisky from a wet to a dry State. But when you allow the mails to be used for any such purpose, it can not be detected, and in every mail you will find bottles of liquor being shipped by wholesale houses from wet to dry States, and prohibition will be an absolute failure under such conditions in any of our States.

I sincerely hope, Mr. President, that the committee will not insist upon this change.

The old law provides, as I have just read, that all liquids of every nature and kind, poisons, and glass, and explosive materials, and obscene books, shall be excluded from the mails. There is nothing in this new provision that excludes liquids of any class or kind.

I know that the Post-Office has opposed this legislation. The Post-Office Department, to its honor and to its credit, has enforced the existing laws for a number of years; and now because the Post-Office Department has enforced the existing laws we are here saying to the Department, "We will leave you no discretion; you shall mail it from one State to another."

Mr. HEYBURN. I am now prepared to answer the question which the Senator asked.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. I yield to the Senator.

Mr. CURTIS. I wish to suggest that if the Senator from Idaho or the committee intends to insist on this change in the section, I desire to offer an amendment in line 6, after the word "explode," as follows:

And all liquids and glass and all obscene books.

That will virtually restore the old section. I agree with the Senator from Georgia that if this section is not amended people living outside the prohibition States will use the mails to transport liquor from wet States into dry States. I insist upon an amendment that will shut the liquors out of the mails.

Mr. McLAURIN. Mr. President, I suggest, if I can get the attention of the Senator in charge of the bill, that an amendment such as this will obviate all the trouble apprehended by the Senator from Georgia and the Senator from Kansas. After the word "poison," in the first line, insert the words "and spirituous, vinous, and malt liquors;" and then after the word "property," in line 12, on page 116, insert the words "except spirituous, vinous, and malt liquors." That will accomplish everything that is desired by the Senator from Georgia and by the Senator from Kansas, and will do no harm to this section.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. The Secretary will first report the amendments proposed. Did the Senator from Kansas propose an amendment?

Mr. CURTIS. I proposed an amendment in line 6 of the reprint.

The VICE-PRESIDENT. The Secretary will first report the amendment proposed by the Senator from Kansas. The Chair would suggest that the Senator state his amendment to the text of the bill.

The SECRETARY. On page 115, line 25, after the words "or explode," insert the words "and all liquids and glass and all obscene books."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. SUTHERLAND. Mr. President, I have no objection whatever to the amendment suggested by the Senator from Kansas, but I think that the latter part of his amendment, with reference to obscene literature, is covered by other provisions of law, and therefore it would not be necessary here.

Mr. CURTIS. I am perfectly willing to leave that part out. I did not notice that it had been covered.

Mr. SUTHERLAND. It is covered, as I recall, fully.

Mr. CURTIS. Then I ask to leave out the words "obscene books."

The VICE-PRESIDENT. The Senator from Kansas modifies his amendment, as follows:

The SECRETARY. After the word "explode," in line 25, page 115, insert the words "and all liquids and glass."

Mr. CLAY. I would be glad to have that part of the section read as it is proposed to be amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

And infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all liquids and glass, and all disease germs or scabs," etc.

Mr. HEYBURN. I call the attention of the Senator from Kansas to the scope of the words "and glass." Glass is a

term that would apply to any kind of glass fixtures or ornaments, and they are continually going through the mails. If it means liquids in glass that might be different, but you do not want to exclude everything made of glass from the mails of the United States.

Mr. CURTIS. Glass as used in the existing law.

Mr. TELLER. Mr. President, we on this side of the Chamber would like to have the benefit of the discussion, but we are not getting it. It is an important question.

The VICE-PRESIDENT. The Senate will be in order.

Mr. TELLER. The trouble is that the Senator from Idaho faces the other way and does not speak very loud, and we do not hear a word he says. He has a good voice, and I wish he would raise it a little so that we may hear him.

Mr. HEYBURN. My suggestion directed to the amendment proposed by the Senator from Kansas was that to use the term "and glass" after enumerating certain articles would perhaps be far beyond the scope of his intention in proposing the amendment, because when you are enumerating articles to be excluded from the mails and among them enumerate "glass" after the word "and" it would have a very far-reaching effect, and exclude everything that was made of glass.

Mr. GALLINGER. That is precisely the present law.

Mr. HEYBURN. It may be the present law and it may not be well drawn.

Mr. GALLINGER. It has worked pretty well.

Mr. HEYBURN. But the Senator is seeking to exclude by this provision the transmission of liquids or liquor by mail.

Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly; I am speaking in the time of the Senator from Kansas and by his permission.

Mr. CURTIS. I wish to say that all I desire by the amendment is to exclude intoxicating liquors from the mails, and used the word "glass" in the amendment offered because the word "glass" appears in the original section.

Mr. CLAY. Will the Senator permit me to ask him in what line he proposes to have the amendment inserted?

Mr. CURTIS. In line 6, after the word "explode."

The VICE-PRESIDENT. The proposed amendment is on line 25, page 115, of the bill.

Mr. CLAY. It ought to come in on line 6, after the word "explode."

Mr. CURTIS. That is where I have offered it, but in the other print it is line 25.

Mr. CLAY. I suggest to the Senator to let it come after the word "poison," in line 1, the first line of the section. That probably would be better. It would then read "all kinds of poison and liquids."

Mr. HEYBURN. "Intoxicating Liquids."

Mr. CLAY. I would not say intoxicating liquids, because now under the rule you can not even send medicines that are liquid by mail.

Mr. CURTIS. I am perfectly willing that the amendment shall say, intoxicating liquors, and that it be added after the word "poison," or any place else, so that it is put in this section.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. CARTER. I think it is clearly improper to permit liquids to enjoy the privileges of the mail—

Mr. CLAY. I agree with the Senator.

Mr. CARTER. Regardless of the question whether they are intoxicating or not. The section provides that no matter shall be mailable which in its nature may be injurious to or calculated to damage other matter in the mail. It is known that the mail is carried in sacks, and that the sacks now provided are much lighter than formerly, inasmuch as we are now using canvas sacks almost exclusively, whereas heavy leather sacks were formerly used.

It is well known, likewise, that these sacks are thrown from passing trains to the platform and that they are loaded upon sleighs, dog sleds, stagecoaches, and carried on horseback in all parts of the country, and that they must be filled with a character of material which will admit of pretty rough treatment at times. The permission to send a bottle of water in the mails imperils every particle of mail in the sack in which that bottle of water is carried. I think the existing law, which prohibits the transmission of liquids in the mails, but shows a proper regard for the preservation and safety of the mail.

I certainly hope the Senator from Kansas will not accept the

amendment "intoxicating" preceding the words "liquids" or "liquor."

Mr. HEYBURN and Mr. TELLER addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly; I yield to both Senators.

Mr. TELLER. I should like to have the chairman of the committee tell us what the objection is to section 3878, the existing law, and why there was any necessity for a change, and a very material change, too.

Mr. HEYBURN. In my personal judgment there was no necessity whatever for changing existing law, and, if I may be permitted to intrude upon the time of the Senator from Georgia to that extent, I will state the conditions under which this legislation is proposed.

The commission appointed many years ago to revise and codify the laws reported section 8852, which is in the possession of every Senator in the volumes such as I have before me, because I saw them on all the desks at the opening of the Congress. They reported the section substantially as the committee have adopted it in this bill. They were of the opinion that under the rules which have been long in force in the Department the words excluding anything from the mails which would—

in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter—

would exclude anything that was liable to break, spill, and injure or damage the contents of a mail bag.

I personally do not think that it was necessary to adopt language that might by a strained construction be held to be sufficient when it was so easy to leave the law as it has existed for some years and which named the articles specifically.

I am not personally advised as to the fact, but I have been formally advised that these sections pertaining to the Post-Office Department and certain other Departments were submitted by the Commission to the officials of the Department as to whether or not they were sufficiently comprehensive to meet the necessities of the occasion. That was done long before I had anything to do with the consideration of this question; I am advised that it was the habit of the Commission to do so. The Commission was composed not of Members of Congress alone, but of laymen—at least a portion of it—appointed by the President and confirmed by the Senate, and they did this work some years ago. I know of no objection whatever to inserting the specific words that would preclude this class of articles from the mail which ought never to have been the subject of transmission in the United States mail.

In answer to the inquiry made by the Senator from Georgia before I had procured a copy of the Commission's report, I say to him that the committee of the two Houses of Congress, one of which has reported this bill to the Senate, simply took their work in regard to this section from the work of the Commission. They were not a unit as to the wisdom of making a change in the existing law. I am quite sure that no member of the committee will strenuously oppose the adoption of the existing law in lieu of this section.

Mr. CLAY. I will say to the Senator in all candor that that ought to conclude this matter. If the committee is willing to restore the old law, it certainly would be agreeable, I believe, to the Senate to restore it. I do not know the minds of the Senate, but I have yet heard no objection to the restoration of the law.

Mr. HEYBURN. I should like the Senator to understand I do not say the members of the committee would be willing to restore the existing law, because the best evidence that they were not in favor of reporting the existing law is the fact that they did not do it; but I am speaking only for myself as a member of the committee.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly; I yield to the Senator from Montana.

Mr. CARTER. The suggestion that the law be left as it now exists I think is a very apt suggestion. In the first place, I think it is a bad practice to indulge in amendments of an existing law under which constructions are well understood and extensively made, unless such amendment is called for by some apparent necessity.

The particular section proposed as a substitute for section 3878 of the Revised Statutes is not open only to the objections heretofore made, but I think a very potent and substantial objection is found in the lodgment by the new section of a most dangerous discretion in the Postmaster-General to include or exclude any of these prohibited articles whenever he may think necessary or proper.

Mr. President, this is and ought to be, to the most liberal extent, a government by and under fixed laws. There is no part of the Federal Government more productive of complaint or injustice than that which is administered under rules and regulations created and administered by executive officers. We know something of that in connection with other phases of the law. Where the citizen can have his rights clearly specified by the law, he may protect them, and he may with safety take a rational construction of the law as he finds it. But where rules and regulations are being made, modified, and rescinded from time to time, the citizen is at no time very clearly apprised of the exact state of the law on any particular subject.

This section or proposed amendment first proceeds to state the character of articles and in some cases to specify the articles which may not be carried in the United States mails. After the specification it will be observed that, in line 13, page 30, these words appear:

But the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property.

Mr. CLAY. Right there, with the Senator's permission—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Most assuredly. I am speaking in the Senator's time.

Mr. CLAY. That is all right. I do not understand from that qualification that the Postmaster-General would have any discretion in preventing the transmission of liquids. In other words, he has a discretion as to the preparation and packing of certain articles mentioned, but this section intends that there shall be conveyed through the mails all things not prohibited in the section, and consequently I believe that under the new section, if it was adopted, the Postmaster-General could not use any discretion to prevent the transportation of liquids through the mails. But I agree with the Senator, that we ourselves ought to say, by express law, what shall be transmitted through the mails and not leave it to the regulations of a Department. We leave too many things to the regulations of the Departments.

Mr. CARTER. Mr. President, this language lodges not only discretion, but apparently fixes a mandatory duty upon the Postmaster-General to nullify the law by admitting articles into the mails if they are so packed as not to furnish outwardly or of their own force dangerous or injurious elements to life or property.

The Senator from Georgia, the Senator from Kansas, and other Senators here are very anxious that the laws of their States prohibiting the importation and use of liquor or the sale of liquor in the State should not be nullified by a section in the postal laws of the country. If we insert the word "liquid" in this section, as proposed in the amendment, and leave the qualification which compels the Postmaster-General to permit the liquid to go through if properly packed, you may just as well not have any legislation at all on the subject.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. CARTER. Certainly.

Mr. PILES. I will ask the Senator from Montana what is the objection now to substituting the original section for this proposed amendment, and let it go at that—that is, the law as it exists to-day?

Mr. CARTER. I am not aware of any objection to the existing law, and I am perplexed to know why the proposition occurred to the Commission, to which the Senator from Idaho has referred, to substitute this section for one well understood, long in operation, and generally satisfactory, I believe.

Mr. PILES. Then, I suggest to the Senator from Montana, that he propose, as a substitute for the pending section, the existing law.

Mr. CARTER. I move that the Senate disagree to the proposed amendment known as "section 218."

Mr. CLAY. I had the floor, but I am always willing to give up the floor at any time. The only object and purpose I had in speaking was to restore the old law, and I do not want to speak a minute—

Mr. CARTER. I withdraw my motion, Mr. President.

Mr. CLAY. I do not want to talk at any time unless I can accomplish something; but I desire to ask, is it not true that this new section is offered as a substitute for the old law? Is not that what the Commission did? If we vote down the new section as reported by the committee, does not that restore the old law?

Mr. CARTER. The committee propose to amend the existing law. If that amendment fails, the law remains in operation.

Mr. CLAY. Mr. President, I will say that I agree with the Senator from Montana [Mr. CARTER]. I believe if you restore the first part of this law, which provides that liquids shall not be mailable matter, and leave the other provision as to packing, etc., to the Postmaster-General, then the Postmaster-General can exercise his discretion in such a way that liquors may continue to be shipped from a wet State to a dry State.

Mr. TELLER. We should substitute the old law for this.

Mr. CLAY. I am willing to vote on the proposition now, Mr. President.

Mr. CARTER. I will then change the form of my amendment, and move to strike out section 218 of the bill and insert in lieu thereof section 3878 of the Revised Statutes.

Mr. HEYBURN. That is, the provisions of the section.

Mr. CARTER. The provisions of section 3878 of the Revised Statutes, together with the sections following on page 31 of the print I hold in my hand.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 115 of the bill it is proposed to strike out all of section 218 and to substitute in lieu thereof section 3878 of the existing law.

Mr. CARTER. Together with the remaining matter found on page 31, which I presume is necessary in order to complete the section.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to insert a new section, to be section 218, as follows:

SEC. 218. Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, hand bills, posters, unsealed circulars, prospectuses, books, book manuscripts, proof sheets, corrected proof sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding 12 ounces in weight, sample cards, photographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail bag or the person of anyone engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails. All matter of the third class, excepting books and other printed matter, book manuscripts, proof sheets, and corrected proof sheets, packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed 12 ounces in weight, and packages of seeds, cuttings, bulbs, roots, and scions shall not exceed 4 pounds in weight; and all matter of the third class shall be subject to examination and to rates of postage as hereinafter provided. Samples of metals, ores, and mineralogical specimens shall not exceed 12 ounces in weight, and shall be subject to examination and to rates of postage as hereinafter provided. Mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of anyone engaged in the postal service, and is not above the weight provided by law.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Montana [Mr. CARTER] to the fact that section 3878 and section 20 of the supplement are not penal provisions at all, while section 218 is a penal section. I have no objection whatever to the purpose which the Senator from Montana has in view, but if those sections are to be substituted then there should be some penal provision added. The Senator will observe that, beginning in line 25 of the committee report, on page 242, the section proceeds:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, * * * shall be fined not more than \$1,000, or imprisoned not more than two years, or both.

So that if we are to have a penalty attached to the violation of this provision of existing law, we shall have to write it in in addition to what the Senator proposed to substitute.

Mr. CARTER. I will offer an amendment, Mr. President, in the course of a few moments.

Mr. TELLER. Is there any penalty attached in the general law?

Mr. SUTHERLAND. No; the penalty is new. There is no penalty in the existing law.

Mr. CLAY. Is there not a general penalty provided by the postal laws?

Mr. SUTHERLAND. I do not know.

Mr. CLAY. Since I have been in the Senate I have known of one case to arise where a package had been sent through the mails, and I have it in mind now, where a constituent of mine was fined \$25 by the Post-Office Department, and he appealed to me to try to get the amount of the fine refunded to him. While I am not sure of it, I think there is a general statute imposing a maximum and a minimum penalty.

Mr. SUTHERLAND. That is not my recollection, Mr. Presi-

dent. My recollection is that wherever a penalty is imposed it is attached to the particular section.

Mr. TELLER. No; I think the Senator is mistaken as to that. There is a penalty in the postal laws somewhere, I am confident, although I can not point it out at this moment. At all events, the committee can find whether that is a fact and report accordingly.

Mr. SUTHERLAND. Even if that be so, Mr. President, the purpose of this revision is to bring into this code, in a comprehensive way, all of the penal provisions in the law, and it seems to me that the most scientific way of proceeding is to attach a specific penalty to each section of the penal code.

Mr. TELLER. I should like to suggest to the Senator that if we adopt the amendment of the Senator from Montana—and I hope we shall—that we can adopt the penalty provided in the existing law.

Mr. CARTER. I offer an amendment, which I send to the desk, which I think will perfect the section.

Mr. SUTHERLAND. To that I have no objection, and I have no objection to the purpose which the Senator has in view.

The VICE-PRESIDENT. The Senator from Montana modifies his amendment by the addition of the language which will be read.

The SECRETARY. At the end of the amendment it is proposed to add the following words:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, shall be fined not more than \$1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER], which has just been read.

Mr. TELLER. I understand the amendment offered by the Senator from Montana is the existing law with the penalty attached which is proposed by the pending bill.

Mr. CLAY. That is right.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next section which was passed over will be read.

The Secretary read section 225, on page 121, as follows:

SEC. 225. Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than \$500 or imprisoned not more than one year, or both.

Mr. BACON. Mr. President, I should like to follow the reading of the sections of this bill and at the same time to examine the corresponding sections of the present law. I should like to have the Senators in charge of the bill indicate what are the proposed changes in the law.

Mr. HEYBURN. Mr. President, the section is new, but the principle is not new. It is merely an extension of the principle of the existing law to a new condition of affairs. There has been a change with reference to the subject-matter of this offense. I will just read the notes which I have made in regard to it.

SEC. 225. The act of February 27, 1897 (2 Supp., 564), and of March 3, 1903 (32 Stat. L., 1174), authorize the Postmaster-General to indemnify a person for the loss of a package of registered mail matter in an amount not exceeding its value and in no case to exceed \$100. The Postmaster-General has fixed \$25 as the maximum amount which will be allowed for the loss of any registered matter.

This section is aimed to punish any person for presenting any false claim for the loss of registered matter, and also to punish any person for making any false claim for any matter received at the division of dead letters. There is no law punishing such acts.

There is no law punishing this class of claims at the division of dead letters.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I think there are two words in line 15 of this section that ought to go out; that is, the words "or conceal." I think it would be pretty severe penalty to impose upon any person who happened to know any fact in reference to a claim of this kind, who was entirely disconnected from it, and who did not make it known, to be punished by a fine of \$500 or a year in the penitentiary. It is all right, I think, to put a pretty heavy penalty upon the man who knowingly and willfully misrepresents or misstates any fact—

Mr. HEYBURN. I think, Mr. President, if the Senator will permit me to interrupt him, the word "conceal" there applies to a party making an affidavit or a sworn statement in regard to his rights; in other words, if he were to conceal the fact that he had already been compensated for the loss and I think the Senator will find that the subsequent language qualifies that word. It does not refer to an outside party. It refers to a party making a sworn statement.

Mr. McLAURIN. But this language is broad enough to take in an outside party, and I do not think it ought to go upon the statute book. I do not think there ought to be any such doubt upon the language used as to make it necessary to be construed by the courts. It can be made very clear. I think that the man who makes a misrepresentation or a misstatement is guilty of a very gross offense, but I do not think the man who has nothing to do with it, though he conceals something that he knows, ought to be punished. This language would include a case of that kind, and it might result in a man who did know about it and who did conceal the fact, but who was not interested in it one way or the other, being indicted and put to a great deal of trouble and expense.

The very fact that a man is indicted in court is a great punishment to him. It does not make any difference how perfectly innocent he may be, if he is indicted he has to go to the expense of defending himself before the court. Not only that; but the disgrace that it entails upon the man who is indicted is something that will follow him always afterwards, although he may be entirely innocent. When you indict a man for an offense, though after a while he may be acquitted, it is an easy matter to start on its errand a statement that he has been indicted, and tardy justice and tardy truth may never overtake the charge that has gone abroad that he has been indicted for a felony. Frequently, when a man is acquitted, it is very easy for some person to say that he was acquitted on a technicality. So I think that this language is broad enough, as the Senator must see, to include a person who has no connection with a claim, who does not urge the claim, but who happens to know some facts about it and does not go and make them known. "Conceal"—that is a word that may be construed to include a man who merely keeps silent.

Mr. HEYBURN. Mr. President, it seems to me that if the Senator will read back to the beginning of the sentence, he will see that it says "whoever for the purpose of obtaining or aiding to obtain the payment, conceals," etc.

Mr. McLAURIN. No, sir; I do not so understand it.

Mr. HEYBURN. That is the way it is written.

Mr. McLAURIN. I do not so read the language. It says:

Or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition—

There is a semicolon—

or whoever shall knowingly and willfully misrepresent, misstate, or conceal any material fact or circumstance in respect of any such claim, etc.

That takes in not only the man who for the purpose of "obtaining or aiding * * * shall make or use, or cause to be made or used, any false statement, certificate," etc., but any man, even though he has no connection with it, who shall conceal, etc. If the construction for which the Senator from Idaho contends is to be given, there is no necessity for the clause following the semicolon on line 13, because all that is said with that view after the word "or" is said before. I do not think those words ought to be here, and I move to strike out the words "or conceal." I shall insist upon that motion.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. On page 121, at the end of line 14, it is proposed to strike out the comma and at the beginning of line 15 the words "or conceal," so as to read:

Or whoever shall knowingly and willfully misrepresent, misstate any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than \$500 or imprisoned not more than one year, or both.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The Secretary read the next section passed over, as follows:

Sec. 234. [Whoever shall knowingly ship, send, or forward any of the articles mentioned in the section last preceding, or shall transport the same by any mode of conveyance upon land or water between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed in conformity with regulations to be prescribed by the Secretary of Commerce and Labor, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.]

Mr. SUTHERLAND. Mr. President, it will be observed that section 233, which immediately precedes this section, makes it a penal offense for any person to transport any of the explosive materials which are enumerated on board any vessel or vehicle whatever employed in conveying passengers by land or water, and so on. Section 234 provides:

Whoever shall knowingly ship, send, or forward any of the articles mentioned in this section last preceding, * * * unless such articles be securely inclosed, deposited, or packed in conformity with regulations to be prescribed by the Secretary of Commerce and Labor—

Shall be guilty of a penal offense and punishable. It has occurred to me that perhaps the purpose of that law would be made clearer if we added a proviso to it as follows:

Provided, That nothing in this section shall be construed to authorize the conveyance of any such article upon any vessel or vehicle employed in conveying passengers by land or water in violation of the preceding section.

The preceding section, it is true, forbids the carrying of such articles on any vessel employed in carrying passengers, but the language of section 234 is general enough to include it. In order that there may be no doubt about it, I move that amendment.

Mr. KEAN. May I ask the Senator from Utah if that is the section in regard to explosives?

Mr. SUTHERLAND. Yes.

Mr. KEAN. The Committee on Interstate Commerce, Mr. President, has pending before it a bill covering this matter, which I think will probably be reported in a few days. It establishes the rules and regulations, and does not confine the rules and regulations to such as may be established by any Department whatever. It makes fixed rules and regulations for the transportation of such articles. I should be glad, therefore, to have this section passed over for the present.

Mr. SUTHERLAND. I suggest to the Senator from New Jersey that the amendment I propose would not interfere with his purpose.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Utah.

The SECRETARY. It is proposed to add at the end of section 234 the following proviso:

Provided, That nothing in this section shall be construed to authorize the conveyance of any such article upon any vessel or vehicle employed in conveying passengers by land or water in violation of the preceding section.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. BACON. Mr. President, I ask the Senator in charge of the bill if he will not now consent to lay it aside. We have reached the end of a chapter, and it seems to me to be a good place to suspend our labors.

Mr. HEYBURN. I should like to make a suggestion in connection with this section before laying the bill aside. It will take but a moment. I think we had better not leave this section unfinished.

Mr. BACON. I beg the Senator's pardon; I thought it was finished.

Mr. HEYBURN. In view of the fact that the Committee on Interstate Commerce is proposing to amend the existing law, which is specific with reference to the manner of packing, I am going to propose an amendment to the section to strike out, in lines 4 and 5 on page 126, the words "in conformity with regulations to be prescribed by the Secretary of Commerce and Labor" and insert in lieu thereof the words "as provided by law," because the law does specifically provide the manner of packing. I move that amendment.

Mr. BACON. Does the Senator desire by that to exclude any additional regulations on the part of the Secretary of Commerce and Labor?

Mr. HEYBURN. I do; because Congress has heretofore declined to leave it to such rules and regulations, and in existing law the method is prescribed. The matter is now before the Committee on Interstate Commerce to consider as to whether the present law is sufficient or whether it will be amended. In either event, we have a specific law that is available to everybody at all times and is permanent in its character. It is very much better that that should be the criterion than that changing rules and regulations should govern.

Mr. BACON. I did not make the suggestion with a view to opposing in any manner the amendment offered by the Sen-

ator. I simply desired information. It had occurred to me that possibly in a matter of this importance it might be desirable that, in addition to law and not in conflict with, but in furtherance of it, the Secretary might, in some instances, be profitably clothed with power to make such regulations as developments might prove the necessity for; but I yield to the Senator's judgment in the matter and have no motion to make in regard to it.

Mr. HEYBURN. I think in a case of this kind, dealing with deadly explosives transmitted through the Post-Office Department, there should be such a fixed and settled law that every person might know its terms, and that it ought not to be left to the varying changes of rules and regulations. That has been evidently the judgment of Congress in the past, and it is evidently their judgment now, inasmuch as they are considering—not prescribing that somebody else may make rules and regulations—but considering a change in the fixed provisions of law governing that question.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 126, line 4, after the word "packed," it is proposed to strike out "in conformity with regulations to be prescribed by the Secretary of Commerce and Labor" and insert "as provided by law."

Mr. SUTHERLAND. Mr. President, it does not seem to me that that amendment will accomplish what the Senator from Idaho desires to accomplish, because the provisions of law with reference to the packing of these articles are contained in the very section for which section 234 is a substitute, and that section is repealed. So if we pass the pending section in the form suggested, we will have no existing provision of law on that subject. It seems to me that what ought to be done, if that is the desire of the Senate, is to substitute section 5355 of the Revised Statutes for section 234 of the pending bill, because it is section 5355 which prescribes the way in which these articles shall be packed, and that section will be repealed by the adoption of section 234, leaving no provision of law on the subject at all. If the motion is proper, I move as a substitute for the amendment of the Senator from Idaho [Mr. HEYBURN] that section 234 be amended by substituting therefor the matter contained in section 5355 of the Revised Statutes.

The VICE-PRESIDENT. Does the Senator propose to strike out all of the section and insert a new section in lieu of it?

Mr. SUTHERLAND. Yes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On pages 125 and 126 it is proposed to strike out all of section 234 and insert in lieu thereof the following:

Every person who knowingly ships, sends, or forwards any quantity of the articles mentioned in section 5353, or who transports the same by any mode of conveyance upon land or water, between any of the places specified in that section—

Mr. SUTHERLAND. The words "in that section" should be changed to read "in the preceding section."

The Secretary resumed and continued the reading of the amendment, as follows:

In the preceding section, unless such articles be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of paris, or other nonexplosive material when saturated with such oil, and separated from all other substances, and the outside of the package be marked, printed, or labeled in a conspicuous manner with the words "nitroglycerine; dangerous," shall be punished by a fine of not less than \$1,000 nor more than \$5,000; one-half to the use of the informer.

Mr. SUTHERLAND. Strike out "one-half to the use of the informer," and add the proviso which I offered to section 234.

The VICE-PRESIDENT. Does the Senator from Idaho withdraw his amendment?

Mr. HEYBURN. I withdraw my amendment and accept the amendment offered by the Senator from Utah.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. BACON. I hope the Senator from Idaho will consent that we may lay the bill aside, as we have reached the end of a chapter.

Mr. HEYBURN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

SECOND-CLASS MAIL MATTER.

Mr. BACON. Mr. President, in consequence of a number of letters which I have received relative to an order issued by the Post-Office Department, known as "Order 907," amending the regulations pertaining to second-class matter, I addressed a letter to the Third Assistant Postmaster-General asking his

reasons for it and some information as to the operation of it, particularly as to that part of the order which concerns the renewal of subscriptions to newspapers, there being a very great interest all through the country in regard to the matter. The purpose of the order was to prevent abuses with respect to second-class mail matter.

I have received from the Third Assistant Postmaster-General a very clear statement in regard to the whole matter, discussing all the provisions of the order, the reasons for it, and pointing out in what way there will not be the anticipated hardship that was suggested, not only to me, but to many other Senators and Representatives, as the result of this order.

I now hold that letter of the Third Assistant Postmaster-General in my hand, to which there are appended many exhibits in the way of discussions by publishing houses and newspaper publishers, and so forth, giving their views as to the way in which the law will operate, and some other exhibits of the same kind, together with an address delivered by the Third Assistant Postmaster-General upon that subject before a company of publishers, as I understand.

For the convenience of Senators and also of Representatives—I presume they will be glad to avail themselves of it—I ask that this letter, with the accompanying exhibits, may be printed as a document. The matter is so voluminous in its scope that it is impossible for Senators and Representatives to respond, with a proper degree of particularity, to the inquiries which are made in regard thereto. If put in print, we can very easily handle it to the satisfaction of all.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent that the paper presented by him may be printed as a document.

Mr. BACON. I am not sufficiently familiar, right at this moment, to know how many copies that order will justify, but my friend the Senator from New Jersey [Mr. KEAN] can doubtless tell us. I think a great many more than the usual number are going to be required.

Mr. KEAN. The Senator can ask for additional copies after he gets the document printed in the first place.

Mr. BACON. Yes.

Mr. KEAN. After it is printed in the first place he can ask for an additional number of copies.

The VICE-PRESIDENT. The Chair understands that it will embrace about 1,100 copies.

Mr. BACON. As suggested by the Senator from New Jersey, the request for the additional number had better be postponed until the original print has been made, and then a request will be made for additional copies.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Georgia? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 14, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1908.

POSTMASTERS.

ALABAMA.

James I. Abercrombie to be postmaster at Columbiana, Shelby County, Ala. Office became Presidential April 1, 1907.

Noah S. Daniel to be postmaster at Dora, Walker County, Ala. Office became Presidential April 1, 1907.

G. Cullen Dean to be postmaster at Evergreen, Conecuh County, Ala., in place of Sanford B. Strout. Incumbent's commission expired March 21, 1906.

Jethro D. Dennis to be postmaster at Marlon, Perry County, Ala., in place of Jethro D. Dennis. Incumbent's commission expired December 7, 1907.

Albert W. Ellyson to be postmaster at Citronelle, Mobile County, Ala., in place of Albert W. Ellyson. Incumbent's commission expired March 3, 1907.

Emily R. Lawrence to be postmaster at Livingston, Sumter County, Ala., in place of Emily R. Lawrence. Incumbent's commission expires March 16, 1908.

Joseph D. McCleskey to be postmaster at Boaz, Marshall County, Ala. Office became Presidential October 1, 1906.

Marcus T. McGriff to be postmaster at Columbia, Houston County, Ala. Office became Presidential January 1, 1907.

Spencer J. McMorris to be postmaster at Wetumpka, Elmore County, Ala., in place of Spencer J. McMorris. Incumbent's commission expired February 18, 1907.

James W. McNeill to be postmaster at Luverne, Crenshaw County, Ala. Office became Presidential January 1, 1907.

Florence E. Spears to be postmaster at Pell City, Etowah County, Ala. Office became Presidential October 1, 1907.

James V. Walls to be postmaster at Guntersville, Marshall County, Ala. Office became Presidential January 1, 1908.

Newton L. Wilson to be postmaster at Blocton, Bibb County, Ala., in place of Newton L. Wilson. Incumbent's commission expired June 19, 1906.

ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Little River County, Ark. Office became Presidential January 1, 1908.

James L. McKamey to be postmaster at Imboden, Lawrence County, Ark. Office became Presidential January 1, 1908.

William T. Moore to be postmaster at Leslie, Searcy County, Ark. Office became Presidential January 1, 1908.

Nannie H. Savage to be postmaster at Monticello, Drew County, Ark., in place of Nannie H. Savage. Incumbent's commission expired December 16, 1907.

Mattie C. De Vaughan to be postmaster at Waldo, Columbia County, Ark. Office became Presidential January 1, 1908.

J. E. Woodson to be postmaster at Hope, Hempstead County, Ark., in place of James R. Gibson. Incumbent's commission expires February 23, 1908.

FLORIDA.

George B. Patterson to be postmaster at Key West, Monroe County, Fla., in place of George B. Patterson. Incumbent's commission expires March 2, 1908.

GEORGIA.

William T. Johnson to be postmaster at Collegepark, Fulton County, Ga. Office became Presidential January 1, 1908.

INDIANA.

Joseph S. Smith to be postmaster at North Vernon, Jennings County, Ind., in place of Joseph S. Smith. Incumbent's commission expired December 12, 1905.

KANSAS.

Roberta H. McBlain to be postmaster at Fort Riley, Geary County, Kans., in place of Roberta H. McBlain. Incumbent's commission expired November 11, 1907.

KENTUCKY.

Samuel L. Gatrell to be postmaster at Midway, Woodford County, Ky., in place of Samuel L. Gatrell. Incumbent's commission expired April 10, 1906.

James P. Hutcheson to be postmaster at Owenton, Owen County, Ky., in place of James P. Hutcheson. Incumbent's commission expired February 12, 1907.

MAINE.

Lorenzo B. Hill to be postmaster at National Soldiers' Home (late Togus), Kennebec County, Me., in place of Lorenzo B. Hill, to change name of office.

MASSACHUSETTS.

Charles A. Haskell to be postmaster at Newton Center, Middlesex County, Mass., in place of George H. Morgan, deceased.

MINNESOTA.

Iver M. Kalnes to be postmaster at Starbuck, Pope County, Minn., in place of Bennie H. Holte, resigned.

MISSOURI.

Charles L. Gray to be postmaster at Carterville, Jasper County, Mo., in place of Charles L. Gray. Incumbent's commission expired January 14, 1908.

William F. Walkenhorst to be postmaster at Concordia, Lafayette County, Mo. Office became Presidential January 1, 1908.

NEW YORK.

U. G. Sprague to be postmaster at Prince Bay, Richmond County, N. Y., in place of Charles O. Sprague. Incumbent's commission expired February 11, 1908.

NORTH CAROLINA.

John P. Overman to be postmaster at Elizabeth City, Pasquotank County, N. C., in place of Isaac M. Meekins. Incumbent's commission expired February 3, 1907.

A. H. Paddison to be postmaster at Burgaw, Pender County, N. C., in place of Robert M. Croom, deceased.

Thomas C. Smith to be postmaster at Rutherfordton, Rutherford County, N. C., in place of William J. McDaniel. Incumbent's commission expired February 5, 1908.

NORTH DAKOTA.

Charles C. Hill to be postmaster at Richardton, Stark County, N. Dak. Office became Presidential January 1, 1908. (Postmaster removed.)

PENNSYLVANIA.

Albert Secor to be postmaster at Sheffield, Warren County, Pa., in place of Albert Secor. Incumbent's commission expired January 26, 1907.

SOUTH CAROLINA.

William H. Brunson to be postmaster at Edgefield, Edgefield County, S. C., in place of William H. Brunson. Incumbent's commission expired March 13, 1907.

Julia M. Merrick to be postmaster at Walhalla, Oconee County, S. C., in place of Julia M. Merrick. Incumbent's commission expires March 16, 1908.

Joseph P. Murphy to be postmaster at Bamberg, Bamberg County, S. C., in place of Joseph P. Murphy. Incumbent's commission expired March 13, 1907.

TEXAS.

Fred W. Laux to be postmaster at Flatonia, Fayette County, Tex., in place of Julius Laux, resigned.

WISCONSIN.

Anna M. Merrill to be postmaster at Merrillan, Jackson County, Wis. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1908.

SURVEYOR OF CUSTOMS.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa.

REGISTER OF THE LAND OFFICE.

William Miller, of Minnewaukon, N. Dak., to be register of the land office at Devils Lake, N. Dak.

PROMOTIONS IN THE NAVY.

To be ensigns.

Hiram L. Irwin,
William R. Furlong,
Gerald Howze,
William O. Spears,
Ernest Durr,
John H. Newton, jr.,
Anthony J. James,
William E. Eberle,
Wilhelm L. Friedell,
Walter E. Reno,
John J. London,
Ross S. Culp,
William Baggaley,
Halford R. Greenlee,
John F. Atkinson,
Virgil Baker,
Henry A. Orr,
Alexander S. Wadsworth, jr.,
Benjamin H. Steele,
Kenneth Whiting,
Charles M. Austin, and
John E. Pond.

To be assistant paymasters.

Benjamin H. Brooke,
Thomas J. Bright,
Emory D. Stanley,
Lewis W. L. Jennings,
Brantz Mayer,
Swinton L. Bethea,
Edward R. Wilson,
William G. Neill,
Harry E. Collins,
John H. Gunnell,
Emmett H. Tebeau,
Charles E. Parsons,
William J. Hine,
Kenneth C. McIntosh,
Francis J. Daly,
Roland W. Schurzmann,
Franklin P. Williams,
Leon N. Wertenbaker,
John J. Luchsinger, jr.,
Eugene H. Douglass,
Robert K. Van Mater,

William S. Zane, and
James C. Hilton.

To be assistant naval constructors.

Ross P. Schlback,
George S. Radford,
James L. Ackerson,
Donald R. Battles,
Richard D. Gatewood,
Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher, jr.,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, jr.,
Emory S. Land,
James Reed, jr.,
Edwin G. Kintner,
Alexander H. Van Keuren,
Paul H. Fretz, and
Roy W. Ryden.

Ensign Julius C. Townsend to be a lieutenant (junior grade) in the Navy from the 2d day of May, 1907.

Lieut. (Junior Grade) Julius C. Townsend to be a lieutenant in the Navy from the 2d day of May, 1907.

Asst. Surg. Harry F. Hull to be a passed assistant surgeon in the Navy from the 12th day of April, 1907.

Asst. Surg. Lewis H. Wheeler to be a passed assistant surgeon in the Navy from the 22d day of April, 1907.

APPOINTMENTS IN THE NAVY.

Charles L. Moran, a citizen of Massachusetts, and Arthur C. Stanley, a citizen of Wisconsin, to be assistant surgeons in the Navy from the 10th day of February, 1908.

POSTMASTERS, CALIFORNIA.

Enos F. Floyd to be postmaster at San Andreas, Calaveras County, Cal.

Albert L. Paulsen to be postmaster at Weaverville, Trinity County, Cal.

Robert M. Richardson to be postmaster at Sacramento, Sacramento County, Cal.

John W. Wood to be postmaster at Pasadena, Los Angeles County, Cal.

OKLAHOMA.

John W. Rickett to be postmaster at Perkins, Payne County, Okla.

WASHINGTON.

Judson J. Merriman to be postmaster at Lind, Adams County, Wash.

John F. Spangle to be postmaster at Cheney, Spokane County, Wash.

George Vetter to be postmaster at Sunnyside, Yakima County, Wash.

WISCONSIN.

Lewis P. Perry to be postmaster at Gillett, Oconto County, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 13, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT ON URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the urgent deficiency bill and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the urgent deficiency bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 5: That the Senate recede from its amendment numbered 5.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11 and agree to the same with an amendment, as follows:

After the word "Treasury," at the end of said amendment, insert the following:

"Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

"All witnesses subpoenaed and appearing for the Government and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expenses of travel incurred in coming from and returning to their places of residence which said actual expenses shall be sworn to and shall be subject to the inspection, revision, and approval of the court and shall be in lieu of mileage now authorized by law to witnesses in other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for all purposes as the tender of mileage and per diem now allowed by law."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: "To pay balance due the Atlanta Machine Works, of Atlanta, Georgia, four hundred and twenty-eight dollars and two cents," and the Senate agree to the same.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,

Managers on the part of the House.

W. B. ALLISON,
H. M. TELLER,

Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill H. R. 14766, making appropriation to supply urgent deficiencies, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment numbered 5: Strikes out the appropriation of \$1,875 proposed by the Senate for payment to J. H. Bankhead as a member of the Inland Waterways Commission.

On amendment numbered 11: Inserts the provision proposed by the Senate relating to the Hyde, Dimon, Benson, and Schneider case, and adds a further provision authorizing the payment of witnesses on the part of the defense under certain conditions and in the discretion of the court, and also providing that all witnesses in the case, both for the Government and the defense, shall receive, in addition to their per diem fees, only actual traveling expenses instead of mileage, as provided by law in other cases.

On amendment numbered 26: Provides for the payment of \$428.02 as a balance due the Atlanta Machine Works, of Atlanta, Ga., instead of that sum of money claimed as interest on the principal of a judgment rendered in their behalf by the United States court at Atlanta, Ga.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,

Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and I will yield two minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, since the discussion in the House on day before yesterday, I have visited the Department of Justice and ascertained from the Attorney-General that the reason why this case was brought in the District of Columbia instead of in California was that the offense with which the defendants are charged was outlawed in the State of California before the Department or any officers of the Government had discovered the frauds constituting the crime; so that the defendants could not be tried in California, and the only place where the indict-

ments could be brought or the venue could be laid was here. As the committee has agreed upon an amendment which I think removes the possibility of our being a party to a proceeding which might work irreparable injustice to somebody, I do not desire, under the circumstances, further to object to the House receding from its position.

Mr. TAWNEY. Mr. Speaker, I want to say a word in explanation of the provision in regard to the Hyde-Benson case. On investigation the conferees on the part of the House ascertained that since 1846 it has been the policy of the Government where the defendants in criminal actions made a showing to the court as to the witnesses they desired and to their being necessary, and that they were unable to provide for their attendance, the court in its discretion is permitted to authorize the subpoenaing of their witnesses residing within 100 miles of the place of trial. The reason for that policy is much stronger in this case, when you consider that the witnesses in this case will have to be brought here, some 3,000 miles. We also ascertained that under the law witnesses on behalf of the Government as well as the defense would be entitled to 5 cents per mile for travel, in addition to their per diem. That, in the judgment of the conferees, is a great deal more than is necessary to defray the actual traveling expenses. In fact, it has been said that some of the relatives of some of the witnesses are preparing to visit the East, claiming that they can do so on the mileage and witness fees of those subpoenaed. The paragraph in the report which I will read explains very fully the exact provision for the pay of the witness in this case, whether appearing for the Government or the defendants.

Whenever any defendant in the case herein described makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court may in its discretion order that such witnesses be paid as herein provided.

All witnesses subpoenaed and appearing for the Government, and those appearing for the defense as above authorized, in the case mentioned in this paragraph, shall be paid out of said appropriations the per diem fees allowed by law to witnesses in other cases, together with actual, reasonable expenses of travel incurred in coming from and returning to their places of residence, which said actual expenses shall be sworn to and shall be subject to the inspection, revision, and approval of the court and shall be in lieu of mileage now authorized by law to witnesses in other cases; and the tender of a sum sufficient to cover such actual expenses and the per diem fees shall be as effective for by law.

So, for that reason, Mr. Speaker, we have modified the law in regard to fees and traveling expenses as to the Government's witnesses, as well as the defendants' witnesses in this case, providing for their actual traveling expenses, to be sworn to, and to be modified or revised and approved by the court. In that way, I think, the expense of the trial, if it is had here, will be very materially reduced.

Mr. WANGER. Mr. Speaker, will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. WANGER. If it is a good and necessary thing to modify the allowance for witnesses in this case, would it not be an equally commendable action to revise the law generally in that particular?

Mr. TAWNEY. I think so; but that is a question that should be addressed to the Committee on the Judiciary of the House.

Mr. LIVINGSTON. Mr. Speaker—

Mr. TAWNEY. I yield to my colleague on the committee [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, while I indorse the sentiment of the conferees, I think this House ought to emphasize the fact that we disapprove of bringing cases from the Pacific coast to this city when it can possibly be avoided. The witnesses for both parties and the assistant United States attorneys must all come here. And this is an enormous and an unnecessary expense. The crimes were committed there, and they should be tried there in order to save expense. That is not all. There is a constitutional right of the defendants in criminal suits, a right that ought to be regarded by this House, that they should be tried where the crimes are committed. The House ought to emphasize its disapproval of that course whenever possible.

Mr. TAWNEY. I yield two minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I wish to say that the remarks just made by the distinguished gentleman from Georgia [Mr. LIVINGSTON] we all concur in, except that he assumes that where parties live they commit the crime.

Mr. LIVINGSTON. No; I did not say that.

Mr. KEIFER. He said we ought to protest against bringing people from the Pacific coast here for trial. We have always

done that. The Constitution prohibits that. The laws of the country prohibit that. If the people from the Pacific coast come to the District of Columbia and commit a crime, they will have to come here and answer for it.

I want to ask the chairman [Mr. TAWNEY] one question, and that is, whether in the last amendment agreed to, No. 26, the amendment is so drawn in connection with the bill that the receipt of the \$428.02 shall be accepted in full of the balance due the Atlanta Machine Works?

Mr. TAWNEY. I understand the gentleman is now satisfied.

Mr. KEIFER. Is the provision such that if this House accepted that it will be satisfactory?

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. I want to ask the gentleman from Minnesota [Mr. TAWNEY] about the allowance of interest on the judgment.

Mr. TAWNEY. We do not provide for payment of any interest on the judgment. We provide for the payment of the balance due on the judgment.

Mr. JOHNSON of South Carolina. But that balance is interest, is it not?

Mr. TAWNEY. It is claimed as interest, but this provision does not recognize it as interest, and it can never be used as a precedent hereafter.

Mr. JOHNSON of South Carolina. The Government does not allow interest, does it?

Mr. TAWNEY. No.

Mr. MANN. Except in this case.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PROTECTION OF GAME IN ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The bill H. R. 14789 is upon the Union Calendar, and unanimous consent is asked to discharge that committee from the consideration of the bill and that it be considered in the House at this time. The Clerk will report the bill.

[The bill was read at length.]

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. I noticed in the latter part of the reading of the bill that any officer of the United States is authorized to arrest any person having a skin, etc., of game taken in Alaska, anywhere in the United States. I would ask the gentleman if I am right, if the interpretation is as broad as that, and if such drastic legislation is necessary in order to protect the game in Alaska?

Mr. HUMPHREY of Washington. I will say to the gentleman that it does provide that "any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this act, or of any regulations herein provided." And that is the law now. That is simply a reenactment of the present law.

Mr. PAYNE. What changes are there in this law?

Mr. HUMPHREY of Washington. The changes in this law from the present law are these: That under present conditions the Secretary of Agriculture has control of the game laws in Alaska. This bill provides for a license system and places it under the control of the governor.

Mr. LIVINGSTON. Why should it not be under the control of the governor of Alaska?

Mr. HUMPHREY of Washington. It does place it under the control of the governor.

Mr. LIVINGSTON. Then what has the Secretary of Agriculture to do with it, anyhow?

Mr. HUMPHREY of Washington. The Secretary of Agriculture, under this bill, has nothing to do with it; but he has under the present law. The object of this bill is to charge a license, and the proceeds of that license will go in a game fund, to be used for game protection, and placed under the control of the governor of Alaska.

Mr. LIVINGSTON. Is it true that if a man had a deer-skin that came from Alaska, he could be arrested in the District of Columbia? Is that true?

Mr. HUMPHREY of Washington. Well, I would not want to say that. I can read what it does. The object of the provision in the law, as I understand it and as it is to-day, is this: That it provides that any marshal or deputy marshal or warden may arrest, without warrant, any person found violating any of the provisions of this act, whether it be in Alaska or in California.

Mr. LIVINGSTON. If he affirms that it came from Alaska, why I could be arrested in the District without having to go back there to be tried.

Mr. PAYNE. That would not have to be affirmed. It would only have to be charged that it came from Alaska. All that he has got to do is to affirm that it came from Alaska.

Mr. SULZER. That law ought to be amended.

Mr. PAYNE. This seems to be a splendid opportunity to change that drastic provision.

Mr. LIVINGSTON. It seems to me we might strike that clause out.

Mr. MANN. Will the gentleman yield to me?

Mr. CRUMPACKER rose.

Mr. HUMPHREY of Washington. I can not yield to all gentlemen at once.

Mr. CRUMPACKER. I want to make a suggestion about the rules and regulations proposed. The law authorizes the Secretary of Agriculture to make certain rules and regulations, and that is the law now. Does not the provision say that any person who violates any provision of the law, any regulation made by the governor or the Secretary of Agriculture, shall be guilty of a crime? This law as it now is puts it in the hands of the Secretary of Agriculture, and I infer and understand from its reading that the law prohibits the killing of game during certain seasons and authorizes the Secretary of Agriculture, under certain rules and regulations, to permit the killing during those seasons for certain purposes. If that be true, I think the rules and regulations are all right. But if it permits the Secretary of Agriculture to make rules and regulations in addition to the provisions of this law and then undertakes to make those a basis of crime, then I think it is wrong. What does it do in that respect?

Mr. HUMPHREY of Washington. I will say to the gentleman that this bill very much restricts it in that respect over the present law. It says he shall make rules and regulations, under the provisions of this bill, to this effect only: That he shall prescribe different times for the killing of the game. This vests the control of the season in him. They discovered that the caribou were about to be exterminated on the Kenai Peninsula, and the only way of restricting them was to prescribe a period of two years, while in the other the period is of five years. It was found necessary to leave that much discretion in the hands of the Secretary.

Mr. CRUMPACKER. I agree that it is necessary to vest great discretion, and it would be convenient in an administrative officer of the Government, and it would be impracticable to meet all these phases in a bill enacted by Congress, but the question of convenience is not one to be considered as much. It is largely a question of power and administration. I have always opposed the authorizing of Department officials to make regulations that furnish the basis of a criminal prosecution. I believe the protection of the liberty of the people of the United States is of as much importance as the protection of game in Alaska, and probably a little more. But I understand now, as I said a moment ago, the power of the Secretary of Agriculture is to make rules and regulations as within the prohibited period fixed by the law, and the Secretary may prescribe that game may be killed within the prohibited period in some districts. Then it is a proper thing to do.

Mr. HUMPHREY of Washington. No; he can not.

Mr. TAWNEY. Mr. Speaker, if the gentleman will permit me, I understand from a hasty reading of the bill that it authorizes a permanent indefinite appropriation. Before I can consent to the creation of any more permanent indefinite appropriations, I want to know what they are, and for the present I will object.

Mr. HUMPHREY of Washington. I hope the gentleman will withhold his objection. This does not carry any appropriation. Mr. TAWNEY. It does appropriate, for fees, a permanent indefinite appropriation.

The SPEAKER. The gentleman from Minnesota objects.

COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Post-Office Department is hereby authorized to send for persons and papers in any examination within its jurisdiction.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16493) limiting and restricting the right of entry and assignment under the

desert-land law and authorizing an extension of time within which to make final proof, with two minor amendments to correct errors in printing.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the right to make entry of desert lands under the provisions of the act approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of surveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any incorporation or association shall be authorized or recognized.

SEC. 3. That any entrymen under the above acts who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof as required by said acts of the completion of said work.

With the following amendments:

Page 1, line 12, strike out "surveyed" and insert "unsurveyed."

Page 2, line 15, strike out "incorporations" and insert "corporations."

Mr. FITZGERALD. Mr. Speaker, reserving the right to object—

Mr. PAYNE. I want to reserve the right to object to this.

Mr. MONDELL. Mr. Speaker, if the House will allow me about five minutes, and give me their attention, I think I can explain this bill fully.

The SPEAKER. The gentleman asks unanimous consent to make a statement for five minutes. Is there objection?

There was no objection.

Mr. LIVINGSTON. I want to ask the gentleman if this bill has the approval of a committee of the House?

Mr. MONDELL. Mr. Speaker, this bill contemplates certain restrictions of the desert-land law, which were originally suggested by the General Land Office, and which have been carefully considered by the Committee on the Public Lands and unanimously indorsed by that committee.

Mr. LIVINGSTON. Has it been indorsed by the Commissioner of the General Land Office?

Mr. MONDELL. The proposed changes have the approval of the Commissioner of the General Land Office and the Secretary of the Interior.

The provisions of the first two sections of the bill were embraced in a bill passed at the last session of Congress and discussed on the floor at length and approved by the House; so that the only new matter contained in the bill is the provision in the third section, under which the Commissioner of the General Land Office may, in his discretion, upon a proper showing on the part of the entryman of inability to complete his irrigating work within the three years allowed by law, grant an extension such as may be necessary, not exceeding three years, in which to complete the work necessary to the irrigation and the reclamation of the lands.

This legislation is important and necessary. The land officials have on various occasions called attention to the difficulty of administering the desert-land law and do justice and equity, owing to the fact that under the law the entryman should complete his work within three years, and if reclamation is not completed within four years from the date of entry his title is extinguished.

It often occurs, and more frequently now than in former times, that owing to the very great expense of reclamation, the distance that water must be brought for the reclamation of land, the rough territory over which ditches are carried, the broken character of much of the land irrigated, it is utterly impossible for the ordinary entryman, by the exercise of the utmost diligence, to complete the reclamation of his land within the period provided by law.

In numerous instances our committee has been appealed to to pass special bills to extend the period, and the House has passed upon a number of bills of that character. In a late

Congress a bill extending for three years the period in behalf of certain entrymen in southern Colorado was passed.

Mr. BONYNGE. In California.

Mr. MONDELL. The gentleman is correct. We also passed a bill a short time before that with reference to Colorado. The gentleman from Colorado [Mr. BONYNGE] is fully informed on this subject, having given it much attention, and this provision of the bill is substantially a bill introduced by him. To sum up, Mr. Speaker, the first two sections contain proper restrictions on desert entry, restrictions indorsed by the Department and which our committee has unanimously reported twice, the House having passed such a bill in the last Congress. The third section provides for the necessary extension of time upon proper showing in order that the entryman may not lose his land because of his inability to complete the irrigation in the brief period allowed by law.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. HARDWICK. Does this bill involve any extension of the irrigation system?

Mr. MONDELL. No extension. It simply provides that where the entryman is on the land under the present law, and in a given case he is unable to complete the irrigation within the three years provided by law, the Commissioner may, upon a proper showing, give him a reasonable period in which to complete the work.

Mr. HARDWICK. The reason that I asked the question is that in a recent case, Kansas against Colorado, 206 United States, the Supreme Court—

Mr. MONDELL. This can not possibly affect that question, because it does not provide for any irrigation that is not already provided for by law.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. PAYNE. This bill relates exclusively to the desert lands and to irrigation and reclamation of those lands. I would like to know if this subject has ever been referred to the Committee on Irrigation and Reclamation?

Mr. MONDELL. Under the rules of the House, bills of this character have always been referred to the Committee on the Public Lands. There has never been any exception to that rule, and under the rules this bill could have gone nowhere except to the Public Lands Committee, for it deals entirely with the passing of title under certain conditions and does not, like the national irrigation law, deal with the manner in which the land shall be irrigated. So the bill could have gone to no other committee. It was before our committee in two Congresses, and the first provisions were passed by the House without objection in the last Congress.

Mr. PAYNE. If I recollect the rule, all bills relating to the irrigation of public lands go to that committee. I think that committee would have jurisdiction of the bill, and it might have been referred to that committee. Perhaps the Committee on the Public Lands also has jurisdiction.

Mr. SULZER. I would like to ask the gentleman a question.

Mr. MONDELL. I will gladly yield to the gentleman from New York.

Mr. SULZER. I understand the bill has the approval of the Commissioner of the General Land Office?

Mr. MONDELL. More than that, Mr. Speaker; two provisions of the bill have been recommended or suggested by the President's Public Land Commission, by the Commissioners, and by the Secretary and indorsed by the House. The last provision has been indorsed and recommended by the present Commissioner, the present Secretary, and approved by the committee.

Mr. REEDER. Does the gentleman say that the bill has received the unanimous report of the Committee on the Public Lands?

Mr. MONDELL. Yes; and we have gone over it very carefully.

Mr. REEDER. I want to say, in regard to the suggestion by the gentleman from New York [Mr. PAYNE], that I believe there is a mistake in referring this class of bills to the Committee on the Public Lands, because I think the whole object of the bill is irrigation.

Mr. MANN. This bill has nothing to do with irrigation.

Mr. REEDER. It has all to do with it.

Mr. BONYNGE. It has nothing to do with the Government project of irrigation, but only to the irrigation by individuals.

Mr. REEDER. All matters pertaining to irrigation should be referred to the Committee on Irrigation and Reclamation of Arid Lands. I realize that this is not the time to make this point; and inasmuch as it has the unanimous approval of the

Committee on the Public Lands, I have no doubt that it is all right.

Mr. MONDELL. Under the rules, all bills relating "to the lands of the United States" go to the Committee on the Public Lands. This is such a bill, and it clearly belongs to our committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

CITY OF WOODWARD, OKLA.

Mr. FULTON. Mr. Chairman, I ask for the present consideration of the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, which I send to the desk and ask to have read.

The SPEAKER. This bill seems to be upon the Private Calendar.

Mr. FULTON. Well, it has been favorably reported by the committee.

Mr. MANN. Oh, we can not take up bills on the Private Calendar by unanimous consent.

Mr. FULTON. It should not be on the Private Calendar, as I understand it.

The SPEAKER. The Chair will state to the gentleman from Oklahoma that in the last two Congresses, and so far in this Congress, the Chair has not submitted requests for unanimous consent to consider bills on the Private Calendar. That is the method the Chair takes of objecting. The Chair will not take the time to explain to the gentleman why, but Members generally understand the position of the Chair.

Mr. FULTON. I had no idea that it was on the Private Calendar and I do not think it belongs there.

The SPEAKER. It seems to be on the Private Calendar.

Mr. LIVINGSTON. Mr. Speaker, I call for the regular order.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16882, the legislative, executive, and judicial appropriation bill. Pending that, Mr. Speaker, I desire to ask the gentleman from Georgia as to what disposition of time he wishes, conceding that we go on in general debate the remainder of the day.

Mr. LIVINGSTON. I desire to have two hours and thirty minutes.

Mr. BINGHAM. The remainder of the time to be given to this side. Then do I understand that we can close general debate to-day?

Mr. LIVINGSTON. If the gentleman gives me that time, that is satisfactory.

Mr. BINGHAM. Then, Mr. Speaker, I ask unanimous consent that general debate close to-day, two hours and a half of that time to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the balance by myself.

The SPEAKER. Pending the motion of the gentleman from Pennsylvania, the gentleman asks unanimous consent that general debate close to-day, two hours and a half of that time to be in the control of the gentleman from Georgia. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LAWRENCE in the chair.

Mr. BINGHAM. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLET] such time as he may wish.

Mr. GILLET. Mr. Chairman, Members of Congress and the public generally were greatly interested in the recent decision of the Supreme Court which held that the law regulating the liability of interstate railroads to their employees, passed by the last Congress, was unconstitutional. The popular impression produced by the decision, so far as I have been able to

estimate it, is that the power of Congress over interstate commerce has been unexpectedly and undesirably limited and that this class of legislation has received a serious setback. I think this impression is quite unwarranted and comes from a superficial view of the decision, and that really the opinions delivered by the judges strengthen the power of Congress over interstate commerce. The law was held unconstitutional because in its terms it extends to employees engaged in purely State commerce. Whether this was the intent of the persons who drew the bill I do not know. They may have thought it wise to draw it as comprehensive as possible, as that would be the only way of ascertaining to what extent Congress could go, but I think few Members of this House supposed it applied to purely State commerce, or thought such an application was constitutional.

The judges of the Supreme Court differed in their interpretation of the law, the majority holding that it did in terms cover State commerce and the minority holding that it did not; but all the judges agreed that Congress had not the power to legislate over employees engaged in purely State commerce, so that question is settled, and settled I believe in accord with the general sentiment and expectation of the bar, of Congress, and of the people.

But while the court has thus decided that this particular statute was unconstitutional, its decision has established one principle which ought to give the friends of this class of legislation ample compensation for their disappointment. That is the principle that the relation of employees to the railroads, of master to servant, as lawyers call it, is within the jurisdiction of Congress under the interstate-commerce clause of the Constitution, whenever the servant is engaged in interstate business. This principle has been much disputed and until this decision has been in doubt, but now six judges unite in confirming the doctrine and the other three simply decline to express an opinion, so that a strong majority, if not the full court, indorse it. This is of great value, for of course this principle is vital to the law, and to have it officially established is solace for a little delay.

Mr. LITTLEFIELD. Mr. Chairman, I would suggest to the gentleman from Massachusetts as to whether or not the proposition to which he now refers is not more or less in the nature of a dictum. The real issue is the constitutionality of the act, and the court held it unconstitutional on other grounds, so that in a sense this proposition may be more or less dictum.

Mr. GILLET. It is a dictum, I admit, because it was not necessarily involved in the decision, but it is a dictum upon which six of the judges agree. It was not a dictum as far as the four minority judges are concerned, for the doctrine was a necessary foundation of their argument, and two of the majority judges expressly declare their acquiescence in the doctrine, and the three other judges expressly reserve their opinion. In other words, they apparently are in doubt, so that we may fairly say, I think, that six of the judges of the court are committed to it and the other three are doubtful.

Mr. LITTLEFIELD. That proposition applies to all the employees of the Government.

Mr. GILLET. It does, of course.

Mr. LITTLEFIELD. Whether in manufacturing or otherwise employed.

Mr. GILLET. That would apply to all.

It will now be simple to amend the law in conformity with this decision—to make it in terms apply exclusively to interstate commerce, and thus to accomplish all that most of its friends expected. In drafting this new law care should be exercised that it does not again exceed our constitutional limits, that it should conform to the decision of the Supreme Court, and, in my opinion, there are other modifications which could be introduced to the improvement of the bill.

But my main purpose in speaking to-day was not to discuss the recent decision of the court, but to take advantage of the present interest in the subject to impress upon the House that there are other bills upon this subject quite as deserving as this one. Railroad employees are already protected by legislation of the individual States, and this only gives them a law somewhat more favorable than most of them had before, and which is uniform throughout the country.

But there is a class of men who have no remedy at all and who not only get no advantage from the ameliorating statutes which a sense of justice has forced upon nearly all of the States, but who can not even appeal to the old common law, with its antiquated master and servant doctrine, and who constitute, I believe, the only force of workingmen in the country who have absolutely no redress for any injury which may happen to them in the course of their employment. I refer to the thousands of men who are employed by the United States in its numerous manufacturing establishments.

These men as yet have not been touched at all by the liberal

spirit of the modern statutes. They still have no right to recover damages, even if their injuries resulted solely from the negligence of their employer or from defects in the buildings or machinery. No matter how blameless they were, no matter how culpable the employer, they must bear the loss alone and have no appeal to any law, no redress in any court.

Before we enact law giving still more protection to the railroad employees, who already are much protected, would it not be fair and reasonable and right to do something for these men who have no protection at all? My attention was drawn to this subject years ago, because there is located in the city where I live a Government armory employing between one and two thousand men, nearly all skilled mechanics, and a large portion of them using machinery. Accidents frequently happen to them, but, no matter how they may be caused, they have no redress in law. It is an anachronism that such a state of affairs should exist.

The President has, in several messages, called attention to it, and in his last message discusses it at length. The first executive suggestion of it so far as I am aware was in the report of Hon. W. H. Moody in 1902, when he was Secretary of the Navy, directing the attention of Congress to the need of such action for the navy-yards. But long before there had been any Presidential suggestion I had, in the Fifty-sixth Congress, introduced practically the same bill which I advocate to-day, and had pressed it upon the Judiciary Committee and have urged it in every Congress since. Last year the subcommittee reported it favorably, and I hope this year it will become a law. It is modeled on our Massachusetts statute, and is much more conservative and moderate than the railroad law enacted last year. But I have no prejudice in favor of my own bill. I am willing it should be amended or liberalized or narrowed as much as may be thought wise. What I want is that some action shall be taken, that these men shall have some legal rights. That there is need of it, you can not doubt. Cases which demand it are occurring constantly.

There is now in the hospital at Springfield a young man with a bullet wound in his leg received while he was working at his bench in the armory. In the room below they were testing rifles. The ceiling was not sufficiently armored and a shot glancing upward from the target went through the floor and stopped in this workman's leg. He was guilty of no negligence, was in the performance of his duty, and in any other shop would have had a clear case of damages against his employer. But because he was working for the United States Government he is remediless and can exact no compensation.

I think that the Government ought to abandon this exemption from doing justice which the law now gives it, that when it becomes a manufacturer it ought not at the same time to assert the privileges of a sovereign and claim that it is above the law, and that before it says to railroad corporations, "You shall be more liberal to your employees," it ought at least to have conscience enough to give to its own employees what every railroad employee already enjoys.

If it extracts the beam from its own eye, it may be able to see more clearly the mote in other eyes, and so I think honor, consistency, justice, and the spirit of the age all demand that we give at once to this large body of deserving citizens at the very least the same rights that every other class of citizens already enjoys under the law.

Mr. SMITH of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GILLET. Certainly.

Mr. SMITH of Missouri. You have stated that a bill of this character has been before Congress for a number of years and at one time was reported favorably by the Committee on the Judiciary. Will you please tell the country why this bill has not been passed that you are talking about now?

Mr. GILLET. Mr. Chairman, I wish I knew myself just why it has not been passed. I suppose the main reason is there were not enough persons affected by it and interested in it. Like a great many other just and meritorious bills, it never has been able to get the time of Congress, and the purpose of my now addressing the committee is that it may get the attention of Congress. [Applause.] I am glad to see the gentleman thinks it is unreasonable that it has not been already passed.

Mr. STERLING. Will the gentleman yield?

Mr. GILLET. Yes.

Mr. STERLING. I understand that the gentleman has introduced a bill at this session relating to this question?

Mr. GILLET. Yes.

Mr. STERLING. Giving the right of action to these employees?

Mr. GILLET. Yes.

Mr. STERLING. I would like to know if the gentleman's

attention was called to a bill introduced a few days ago by myself not giving a right of action to the employees, but giving a compensation where the injury occurred not through negligence of the employee, fixing the minimum amount of compensation, the amount allowed to be determined by the Secretary of Commerce and Labor; have you seen that bill?

Mr. GILLETT. I have not seen that bill, and I have no pride in authorship in my own bill to prevent my supporting any other which aims to accomplish the same result and right this wrong.

Mr. STERLING. I asked the gentleman if he has ever considered the question along this line, and I wanted to know what his views are in reference to such a bill.

Mr. GILLETT. I have not heard of such a proposition. All I want, Mr. Chairman, is a remedy, and if the gentleman's bill affords that and the House prefers it, I am perfectly willing to unite upon that. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 12420. An act to extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8-foot depth from the channel at the bulkhead in the Newport River to the town of Beaufort and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor.

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor.

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view to deepening the same, and to submit estimates therefor.

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same, to the main channel of Bogue Sound, in the west of Sandy Point Shoals, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound 100 feet in width and of a depth of 5, 8, and 10 feet at low water.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LIVINGSTON. Mr. Chairman, I now yield one hour to the gentleman from Missouri [Mr. CLARK].

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for one hour. [Loud applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Chairman, within the last few days we have been edified by a series of somewhat remarkable speeches, evidencing a high order of ability in our membership, on which I most heartily congratulate the country, for no man more rejoices in the honor and glory of this House than I do. These speeches have been devoted chiefly to a discussion of the President's message and of the President himself. Views widely divergent as the poles have been freely expressed as to the merits and demerits of this extraordinary man, one of the most extraordinary in American history. [Applause.] In this case, as in most others, the line of safety, fairness, and justice is found in medias res. In my county there was a lawyer who so frequently urged courts and juries to take "a reasonable view" that his saying passed into a proverb. That is exactly what should be done touching the President; but that is precisely what has not been done as a rule. He

is such a belligerent personage that his slightest word is a challenge to mortal combat, and he can not express an opinion on any question under heaven, even on a subject so prosaic and threadbare as the prospective state of the weather, without precipitating a row, his extreme admirers declaring that there never has been such a weather prophet on earth since Adam and Eve were driven with flaming swords from Paradise, and his extreme enemies vociferating that he knows no more about the weather than does the ground hog. [Laughter and applause.]

Upon this issue there would be joined a battle royal, full of sound and fury, signifying nothing. Colonel Roosevelt laughs to scorn the words of the great Cardinal:

Love thyself last; cherish those hearts that hate thee;
Still in thy right hand carry gentle peace
To silence envious tongues.

On the contrary, he acts on the theory of the bellicose Irishman who said: "When you see a head, hit it." [Laughter and applause.] He has whacked so many heads that divers reactionary leaders are in the political hospital for repairs. [Applause on the Democratic side.]

Still others of them perambulate the earth with poultices and plasters adorning their craniums. [Laughter.] His whole public life has been one long succession of spectacular fights. No man was ever more viciously assailed by men of his own party, and none was ever, while still in the flesh, so lavishly lauded by some of the opposing party. But the truth is that this extraordinary man has waxed stronger and stronger by waging battle. Even defeat has made him a larger and more commanding figure. Never in his militant career was he more savagely abused or more extravagantly praised than at the present juncture.

So, amid the swirl of things, the deluge of words, the shoutings of the captains, the beating of tom-toms, the groans of crippled and wounded Republicans, the furious yells of friend and foe, one who is the personal friend of Theodore Roosevelt, the man; who is the opponent of Theodore Roosevelt, the politician or the statesman, as the case may be; and who desires to take a "reasonable view" of the saying and doings of Theodore Roosevelt, the Chief Magistrate of a mighty people, perhaps has little chance to be heard in this babel of voices. But I will have my say, and here it is: Personally I like him. He has treated me well and I have tried to treat him well. After the manner of strong men he has pronounced virtues and glaring faults of character. I have never abused him. I have never grown hysterical in admiration of him. When he is right, I support him cordially. When he is wrong, I fight him tooth and nail. This line of conduct I have pursued steadfastly in the past, and I shall adhere to it without shadow of turning even unto the end. It seems to me that that is the way in which he would desire to be treated. He must entertain ineffable contempt for the invertebrate sycophants who grovel before him on all occasions, and who, no matter what he says or what he does, throw high their sweaty caps in air, shouting: "Io! Triumphe! Io! Triumphe!"

It is said that "a king can have no friends," and it seems that a President of the United States—any President—is in the same unhappy situation. It is claimed that Colonel Roosevelt is better than his party—this he could easily be without running any imminent risk of being translated, after the fashion of Elijah, in a chariot of fire by reason of his goodness. [Applause on the Democratic side.] But whatever his virtues, whatever his faults, whatever else he may be, he is not a Democrat [applause on the Democratic side]; for democracy means the least amount of government the people can get along with consistent with the fullest enjoyment of their rights to life, liberty, and the pursuit of happiness [applause on the Democratic side], while republicanism means the greatest amount of government that the people will stand [applause on the Democratic side], and he of all men is the apostle of the maximum quantity of government. [Applause on the Democratic side.] Occasionally, very much to the delight of Democrats and the utter confusion of Republicans, he appropriates or absorbs, borrows or seizes, a Democratic idea and from his high coign of vantage advocates it with tremendous force; for he obeys to the letter at least one Scriptural injunction: "What soever thy hand findeth to do, do it with thy might;" and it is the heavy hand of Theodore Roosevelt or his "big stick" which has driven so many Republicans pell-mell into the Cave of Adulam, where there is weeping and wailing and gnashing of teeth and much profane swearing. [Applause on the Democratic side.]

So far as he has advocated Democratic ideas, so far as he has mauled wicked Republicans with his mailed fist or has thumped them with his big stick, he deserves the unstinted

praise and gratitude of all lovers of our country. [Applause on the Democratic side.]

Twice in this speech I have applied to him the word "extraordinary," which seems to me the adjective best fitting his character and his endowments. Whether he is a great man I do not know. You, Mr. Chairman, do not know. Nobody knows. There is an old saying, "Count no man happy till he is dead." It is a wise and sane rule to acclaim no man great until he is in his grave. We have not the perspective necessary to fix his status in history, and it is sheer folly to attempt it. Lord Bacon, the most philosophic of mankind, with clear vision and deep pathos, expressed the same idea in his last will and testament, when he said: "For my name and memory, I leave it to men's charitable speeches, and to foreign nations, and to the next age." His proud confidence was not misplaced, for his fame has augmented from the day of his death down to the present hour.

Individually, I wish the President well in the White House till March 4, 1909, when I hope he will quit it forever. I congratulate him from the bottom of my heart on turning a deaf ear to those unwise or selfish friends who have endeavored to persuade him to violate the wholesome precedents of one hundred and eleven years, for no President will ever be elected to a third term until the Republic is on its last legs. After he leaves that historic mansion, the goal of so many ambitious hearts, the tomb of so many ardent hopes, I wish him happiness, prosperity, and length of days.

We can all be honest even if we can not be great, and if you Republican bigwigs were perfectly candid, you would confess that you are not nearly so much enamored of the President as you appear to be. You grow red in the face, thereby inviting vertigo or apoplexy in exalting him to the skies; for he is still the dispenser in chief of pie, and a Republican statesman bereft of pie is a spectacle to make the angels weep. When I see you trying to apotheosize him by mere lip service, it seems to me, "The lady doth protest too much."

When a lad I had a classmate who pronounced the Latin word "vulgus," which means "the common people," "voolgoose." By reason of some peculiarity in his vocal apparatus it sounded like "bullgoose." So the boys fell into the habit, as a joke, of pronouncing it "bullgoose." It is the "common people" among the Republicans, the "vulgus" of the Romans, the "bullgoose" of the college boys, that constitute Theodore Roosevelt's shield and buckler among the Republicans. No man has a livelier comprehension of that fact than Republican Representatives.

I have heard that in the last campaign sundry Republican Representatives sought and obtained from the President certificates of good character to help them pull through. [Laughter and applause on the Democratic side.] We all know that when the Republican managers came to the conclusion that the result was doubtful, he wrote that famous letter to "My dear Mr. Watson" which was used as a blanket certificate of good character for all Republican Members of Congress except the unfortunate Mr. Wadsworth. [Laughter on the Democratic side.] But even his epistle to Mr. Watson could not prevent the Republican majority in the House from falling from 114 to 55. When "Uncle Joe" read the returns he must have been in the frame of mind of Pyrrhus, King of Epirus, when surveying a hard-won field, he exclaimed: "Another such victory and we are undone." [Applause on the Democratic side.] A self-evident truth; and even the ready-letter-writer in the White House will not be able to write enough letters between now and the first Tuesday after the first Monday in November next to return another Republican majority to this House. [Applause on the Democratic side.]

Everybody knows that the tide is running strong against you, and any district that is held by a Republican here by less than 3,000 plurality is more liable to go Democratic than Republican, and, God be praised, there are forty-four such districts. [Laughter and applause on the Democratic side.] Every Republican holding his seat by less than 2,000 is "our meat" in November. [Laughter and applause.] There are thirty-seven of them, and we only need twenty-eight to organize the next House. [Renewed applause on the Democratic side.]

In addition to these there are fifteen or twenty other districts in which for various reasons we have an equal chance to win.

The other day the gentleman from Michigan [Mr. TOWNSEND] said: "To the Administration of Theodore Roosevelt the student of the future will point as the period when the people came into possession of their own." The gentleman was mistaken. The exact date to which the student of the future will point as that of the coming of the people into their own will be March 4, 1909, when a Democrat will be inaugurated President at the east front of the Capitol, backed by such a Democratic majority in this House as will induce even a Republican Senate

to enact into law the people's will. For eleven years we have been out of power, but we have it on high authority that—

Sweet are the uses of adversity,
Which, like the toad, ugly and venomous,
Wears yet a precious jewel in his head—

in this case the precious jewel of Democratic victory.

The Democrats are getting together everywhere, and the Republican party presents to the astounded gaze of men the appearance of a "dissolving view." [Laughter and applause.] You will be extremely lucky if you get out of Chicago without nominating two Republican tickets instead of one. [Laughter on the Democratic side.]

I am not going to venture upon any discussion of the financial question. There never have been but two men in the world that knew all about it. My friend from Connecticut [Mr. HILL] is one of them, and unfortunately the other is dead. [Laughter and applause.] But my friend from Texas [Mr. BURGESS] who made a wonderfully strong speech yesterday, knows a good deal about the financial question, though he modestly disclaimed it. No man that heard him did more to praise him by his action, by his grimaces, by his smiles and nods, than did Mr. HILL of Connecticut; and "praise from Sir Hubert Stanley is praise indeed."

First and last in this debate a great deal has been said about the existing panic. There has been much loud assertion to the effect that the President had no hand in producing it. After all is said that can be said, one fact stands out in bold relief, and that is that it is a Republican panic. [Loud applause on the Democratic side.] The self-constituted defenders of the President declare vehemently that Harriman and his crowd did it. Harriman and his crowd retort angrily that the President and his crowd did it. But no difference which one of the two crowds did it, it is "a Republican panic." [Loud applause on the Democratic side.]; for, let it never be forgotten that Harriman and his crowd are Republicans, as well as the President and his crowd. It does not become "an innocent bystander" to undertake to decide which are the ideal Republicans. [Laughter.] One thing we do know, however, and that is that Mr. Harriman was a delegate to the last national Republican convention which nominated Colonel Roosevelt by a unanimous vote and that he has been a liberal contributor to Republican campaign funds. [Applause on the Democratic side.]

Two or three years ago he was "My dear Harriman." [Laughter.] Now he is another sort of Harriman with a big, big D. [Laughter.] But whatever else he was, or is, he is a Republican of high degree. I am not certain that it is any particular business of mine to pick the Republican nominees for President. Perhaps, however, I may be permitted to suggest that the ideal Republican for President would be Edward H. Harriman [laughter and applause on the Democratic side], and if you fill out the Republican ticket with that other eminent Republican, John D. Rockefeller, the ticket will be very strong in Wall street. It will have one advantage. They can furnish their own barrel, and then the Republican rooters instead of singing "rally 'round the flag, boys," can sing "rally 'round the barrel, boys." [Laughter and applause on the Democratic side.] No doubt after Rockefeller pays that \$29,000,000 fine, if he ever does, that Judge Kenesaw Mountain Landis imposed on him, he will still have oil enough left to grease up the machine. [Laughter.] There would be another advantage in the Harriman and Rockefeller Republican Presidential ticket, and that is, there would be no necessity for them to plunder the great life insurance companies, thereby robbing the widows and orphans of the land of the provision made for them by kind husbands and loving fathers.

There is an old saying that "chickens come home to roost." For eleven years the Democrats have been stripped of every shred of power. In 1893 there was a panic under the McKinley high-tariff bill while a Democrat sat in the White House. Every mother's son of you in the House, in the public press, and upon the stump vociferated volubly and repeatedly that it was a Democratic panic. Now, no man can deny that this panic has come after eleven years of Republican rule, under a Republican Administration, and by your own logic you can not deny that it is a Republican panic. [Applause on the Democratic side.] You are estopped from so doing, and you might as well walk up and take your medicine. It is bitter as gall, but you will have to swallow it.

The gentleman from Iowa [Mr. HEPBURN] in his speech the other day tried to minimize the panic, and intimated that it is not much of a panic, anyway. I read somewhere once that about the thirtieth day of the flood a stiff-necked antediluvian, sitting in the limbs of a tall tree on the top of a high mountain, as Noah floated past in the ark, shook the water out of his hair and remarked: "This is not much of a shower, after all."

[Laughter.] The gentleman from Iowa must be some blood kin to that cheerful antediluvian. [Laughter.]

I wish it were true that it is not much of a panic. I have not much property, but it has cost me already about one-fourth of what I had. I wish it were true, as he says, that it is not much of a panic; but it is not true, for another distinguished Iowa statesman, ex-governor and ex-Secretary of the Treasury, Leslie M. Shaw, who is a Republican Presidential possibility, in a speech that he made not long ago, used this remarkable language:

Banks must have been sound, or widespread ruin would have marked the stringency of 1907, which is generally conceded to have been the severest the world has ever witnessed.

That is certainly a sweeping statement:

The stringency of 1907, which is generally conceded to have been the severest the world has ever witnessed.

Mr. Shaw might have truthfully added that it is a Republican panic, and gives the lie direct to the Republican platform declaration of 1904, that "a Republican tariff is always followed by business prosperity and a Democratic tariff by business adversity." [Applause on the Democratic side.]

That fake is thoroughly exploded—"gone where the woodbine twineth," dead as the men who lived before the flood. It helped you amazingly in 1904. No sane man will believe it any more forever—

All the king's horses and all the king's men
Can't put Humpty Dumpty together again.

[Laughter.]

But the gentleman from Iowa [Mr. HEPBURN], in a vain endeavor to shift the burden of this panic, said that as long as we went on in the way we have been going we would always have periodical panics, and I believe that my distinguished friend from Connecticut [Mr. HILL] the other day indorsed that idea. But why in the name of heaven did not you Republicans say that in 1893 and in the fifteen years that followed? [Applause on the Democratic side.] That philosophy of the gentleman from Iowa comes too late. It is a kind of deathbed repentance. I will read you another sentence or two:

Mr. President, the financial crisis from which the country has just emerged, which culminated in a serious panic in October, was the most acute and destructive in its immediate consequences of any that has occurred in the history of the country. Nothing but the heroic measures taken by the representatives of the great business and financial interests of the country, acting in cooperation with the Secretary of the Treasury, prevented a total collapse of private credit and a disastrous destruction of all values. It is impossible to conceive, much less to measure, the losses which would have resulted from such a calamity. The country was saved by the narrowest possible margin from an overwhelming catastrophe whose blighting effect would have been felt in every household.

Who do you suppose said that? Mr. ALDRICH, the father of the Aldrich currency bill, in the Senate of the United States. Oh, yes; it is easy to see now what we tried to make you admit in 1893 and afterwards, that panics do come, and that they come periodically, but you denied it then, and you will not be permitted to plead it now in mitigation. There is a sentence in a very old book, "He that taketh the sword shall perish by the sword," and that is the predicament you are in this day. [Applause on the Democratic side.]

You all indorse Cortelyou's great remedy for this panic. What was Cortelyou's remedy? The President sent him a letter of congratulation. It is a cold day when he does not send a letter to somebody, somewhere, about something. If he does not finally turn up with a bad case of pen paralysis, I miss my guess. [Laughter.] What was Cortelyou's plan? To issue a new batch of bonds in a time of profound peace, the identical thing for which you Republicans have pilloried a Democratic President for fifteen years. To this complexion has it come at last, that Republican morality, the morality of the great God-and-morality party, in the year of grace 1908, is this: If a Democratic President does a thing, it is wrong. If a Republican President does the same thing, it is right. [Applause on the Democratic side.]

That, too, when an irresistible moral wave is sweeping over the country from sea to sea. But, for fear somebody thinks I have overdrawn the size of this panic, I will read you a short excerpt from the speech of Governor Leslie M. Shaw, made night before last in Michigan:

Over 300,000 freight cars standing empty on the track; 8,000 locomotives out of commission; one-quarter of the population of several large cities idle, and, for the first time in a Republican Administration, free soup houses.

[Laughter and applause on the Democratic side.]

Republican soup houses! [Laughter.] And yet the distinguished gentleman from Iowa [Mr. HEPBURN], with banks breaking on every hand; with railroads, mills, factories, stores, and mines throwing men out of employment by the thousands; with laborers fleeing from the country by the tens of thousands for Europe; with suicides multiplying on every hand; with gov-

ernmental revenues constantly dwindling; with Republican soup houses springing up in great cities like mushrooms in a damp cellar, asks us to disbelieve the evidence of our own senses and say that the panic does not amount to much anyway.

Alexander Pope, one of the chief literary ornaments of Queen Anne's reign, which has been styled "the golden age of English literature," the friend of Swift, Addison, and Bolingbroke, a poet that is not read now nearly as much as he ought to be, in his Universal Prayer says:

That mercy I to others show,
That mercy show to me.

My Republican brethren, that is precisely what we are going to do to you. [Laughter and applause on the Democratic side.] You might as well get ready for it. [Laughter.] You shall be held accountable for this panic, not only in this year, but through all the years that are to come. [Applause on the Democratic side.]

For fifteen long years you have lambasted us without mercy for the panic of 1893, which you accused us of producing. Now, we will lambast you without mercy for the panic of 1907, which you can not deny occurred in the eleventh year of the absolute supremacy of the Republican party. "Sweet is revenge!" And we will have our revenge on you now and in all future time. You can write that upon the tablets of your memory. You can not escape punishment any more than you can escape death itself.

It must be confessed, however, that if the gentleman from Iowa [Mr. HEPBURN] fell down in his effort to minimize the Republican panic, he succeeded marvelously well in his threat to run his roller over those who oppose the President's recommendations, and to disfigure them. He got quick returns on that threat. While of course he does not aspire to infringe the Rooseveltian patent on "the big stick," Colonel HEPBURN wields a heavy bludgeon of his own and is not too tender about cudgeling recalcitrant Republicans with it. It will be remembered that the gentleman from Mississippi [Mr. WILLIAMS] in commenting on Colonel HEPBURN's threat, pointed out to him that in order to make good he must run his roller over the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. SHERMAN], and Mr. Speaker CANNON. That is quite a large contract, but Colonel HEPBURN has already accomplished part of his stunt by bringing into line the gentleman from New York [Mr. PAYNE], chairman of the Committee on Ways and Means and ex officio floor leader of the majority.

Lord Byron, a great poet and a fine judge of poetry, pronounces Wolfe's "Burial of Sir John Moore" to be the finest ballad in our language. One of the most striking stanzas in that ballad begins with the famous line, "But half of our heavy task was done." It may not be considered impertinent if I, in the spirit of friendship, remind the gentleman from Iowa that only one-fourth of his heavy task is done and seek to encourage him in the laudable duty he has set himself. Whenever he gets ready to run his roller over the gentleman from Pennsylvania and "Uncle Joe" and to disfigure them, I assure him, if he will give an advance notice, that he will have a huge audience, breathless with expectation and delirious with delight. [Laughter and applause.] There will be something doing on that occasion, and no mistake. Not since the Earl of Peterboro scaled the walls of Barcelona has a "stunt" so ambitious been essayed. [Laughter.]

Colonel HEPBURN has already earned the sobriquet of "Defender of the White House faith" by the valorous manner in which he defended the President from the lofty panegyric pronounced upon him by the brilliant orator from New York [Mr. COCKRAN]. He will prove himself somewhat of a crusader, if, single-handed, he undertakes to run his roller over the gentleman from Pennsylvania [Mr. DALZELL] and Mr. Speaker CANNON and to disfigure them. If he succeeds, he will win unfading laurels and will deserve to snatch from Marshal Ney the title of "Bravest of the brave," bestowed in a moment of affection and gratitude by Napoleon. From his arduous and extrahazardous undertaking, I wish the gentleman from Iowa a safe deliverance.

Cæsar divides all Gaul into three parts. The speech of the gentleman from New York [Mr. PAYNE] is susceptible of the same treatment: One-third, delivered in tones that would make old Stentor turn green with envy, might be most appropriately marked "Public;" one-third, spoken in voice so low that only Republican Members could hear and with gestures suggestive of the Reverend Doctor Chadband's "Bless you, my children!" should be labeled "Private;" one-third, uttered in a whisper, apparently for the sole benefit and spiritual instruction of the gentleman from Pennsylvania [Mr. DALZELL] may be denominated "confidential." If there is any person about

this Capitol who is in sore need of abundant spiritual instruction as to the new Republican evangel of tariff revision, it is the gentleman from Pennsylvania [Mr. DALZELL].

He is a fixed star of portentous magnitude in the constellation of the stand-patters. He is the stand-pat sheaf to which all other stand-pat sheaves do obeisance, even as Joseph saw things happen in his dream. He is to all other stand-patters what Aaron's rod was to the rods of the magicians. A verbatim copy of his thoughts while our Republican brother from Wisconsin [Mr. KÜSTERMANN] was delivering his great tariff-reform speech would make what Horace Greeley denominated "mighty interesting reading," and what Professor Squeers, of Dotheboys Hall, would have characterized as "richness." The gentleman from New York [Mr. PAYNE], having seen the light himself, does well to agonize with the gentleman from Pennsylvania [Mr. DALZELL], for it is written:

Joy shall be in heaven over one sinner that repenteth more than over ninety and nine just persons that need no repentance.

But he will be the last to yield—the last to repent. I imagine I see him now, all the rest of them deserting him, standing like James Fitzjames did in his duel with Roderick Dhu, and proclaiming—

Come one, come all! this rock shall fly
From its firm base as soon as I.

Yes, he needs the spiritual consolation and instruction by the gentleman from New York [Mr. PAYNE]. Should the gentleman from Pennsylvania [Mr. DALZELL], who is jealous of his mental integrity, ever arise in his place on this floor and unequivocally declare that he is earnestly in favor of general tariff revision downward, the angelic choir should break forth in full chorus:

Sound the loud timbrel, o'er land and o'er sea,
DALZELL is converted, the country is free!

[Prolonged laughter and applause.]

I wish to heaven that I could live till he does that. Then I would take away from Methuselah the honor of being the oldest man that ever lived. Methuselah would have to tarry several centuries at Jericho cultivating his beard in order to even enter the ring for old men. Hitherto and for some nineteen hundred years the conversion of Saul of Tarsus, as he journeyed from Jerusalem down to Damascus, has been taken and accepted as the ne plus ultra of the sudden and the unexpected; but the historian of our times will record the fact with iron pen upon his glowing page that the sudden and abrupt conversion of stand-patters to tariff revision in 1908 is the most astounding phenomenon of the phenomenal age in which we live.

I beg to suggest, however, that the gentleman from New York [Mr. PAYNE] and other converts are somewhat enigmatical in the use of terms in making "the good confession." The gentleman from New York said inter alia: "I do not mind saying to-day that they (that is, the Republicans) will declare for a revision of the tariff," which remark was received with considerable applause on the Republican side. I submit, Mr. Chairman, that "revision of the tariff" and "tariff revision" are equivocal terms, and may mean revision up or revision down. So far as I know, no Republican member of the present Ways and Means Committee, except the scholarly gentleman from Massachusetts [Mr. McCALL], has ever declared in favor of revising the tariff downward. He carries his nerve with him and has the courage of his convictions. But the gentleman from Iowa [Mr. HULL], who is an acknowledged expert on all military affairs, and who could give pointers in the art of war to Alexander, Hannibal, Caesar, or Napoleon, but who is decidedly inexpert in economic questions, let the cat out of the bag not long since by declaring that the Republicans would revise the tariff up or down, as they pleased. No doubt the Republicans are preparing for another stupendous confidence game on the people by declaring in their next platform for "tariff revision," without indicating whether the revision is to be up or down. They won in 1896 by a juggle on the financial question. Their solemn pledge to promote an international agreement for the free coinage of silver roped in enough silver Republicans to land William McKinley in the White House. Now they are meditating a juggle on the revision of the tariff as a companion piece to their successful juggle as to coinage.

No doubt we shall have another scientific case of paltering with the people in a double sense—of keeping the word of promise to the ear and breaking it to the hope.

That there are many Republicans—perhaps a third of all Republicans—honestly in favor of revising the tariff downward is beyond all question. If they are seduced by the equivocal promise of tariff revision, and, adhering to the regular Republican organization, enable it to win at the polls, only to find later on that the meaning placed upon the words

"tariff revision" by a Republican Congress and a Republican President is "revision up," they will find their situation accurately described in verses 43, 44, and 45 of the Gospel according to St. Matthew, which runs in this wise:

When the unclean spirit is gone out of a man, he walketh through dry places, seeking rest, and findeth none.

Then he saith, I will return into my house from which I came out; and when he is come, he findeth it empty, swept, and garnished.

Then goeth he, and taketh with himself seven other spirits more wicked than himself, and they enter in and dwell there; and the last state of that man is worse than the first. Even so shall it be also unto this wicked generation.

Mr. KEIFER. What chapter?

Mr. CLARK of Missouri. The 12th chapter. You never would find it if I did not tell you where it is. [Prolonged laughter.]

The gentleman from New York also declares in favor of a "maximum and minimum tariff," a term as equivocal as is "tariff revision" or "revision of the tariff." Why did he not vouchsafe to us what his maximum and minimum are to be? Is he in favor of the plan proposed by the gentleman from Mississippi [Mr. WILLIAMS] to make the minimum 80 per cent of the Dingley rates? Or is he in favor of the proposition of Mr. McCLEARY of Minnesota, to make the Dingley rates the minimum and the maximum the blue vault of heaven? If the latter we would be repeating the condemned performance of jumping out of the frying pan into the fire. The gentleman from New York is a learned man and can be precise, when he chooses, in the use of words. I submit in all candor that because in both his propositions touching the tariff he used equivocal terms, one may fairly conclude that there is a large-sized Senegambian concealed in the wood pile, a mammoth rodent in the meal tub.

The gentleman's position seems to be this: Tariff revision and a maximum and minimum tariff should be brought about. The Republicans have had absolute control of all branches of the Government for eleven years and have left undone in this regard that which they ought to have done; but, if the people will only overlook past omissions and give them a new lease of power, they will revise the tariff either up or down and establish a maximum and minimum tariff with the Dingley rates for either the maximum or minimum, he isn't exactly certain which; and American voters are asked to go to the polls and buy these two tariff pigs in a poke.

The gentleman from New York [Mr. PAYNE] was hardly fair in his treatment of certain bills introduced by the gentleman from Mississippi [Mr. WILLIAMS]. He seemed to think that the gentleman from Mississippi did not know that "white print paper" is a more comprehensive term than "white paper," which is preposterous, for whatever the gentleman from New York may think of the political opinions of the gentleman from Mississippi, he must admit that the latter is possessed of much erudition and is widely read not only in political literature, but in general literature—facts of which this House is proud. Writing "white paper" for "white print paper" was a slip of the pen—merely that, and nothing more. But suppose that the gentleman from Mississippi had actually proposed to put all "white paper" on the free list or to cut down the tariff thereon, what then? He would have been simply pushing a good thing a little further. The effort the gentleman put forth to make merry as to that small item shows to what sore straits the Republican floor leader is reduced in a tariff debate with the gentleman from Mississippi.

The gentleman from New York seems to be flatly opposed to removing the tariff on wood pulp and white print paper. He was kindly furnished by the gentleman from Pennsylvania [Mr. DALZELL] with a letter from the Census Bureau showing that prices for white print paper are getting lower instead of higher. We should not forget that a certain Commissioner of Labor, Hon. Carroll D. Wright, now president of a New England college, two or three years ago, to help the Republican campaign along, prepared lengthy tables of figures to show that the cost of living was lower then than in the years immediately preceding, when every housewife knew by sad experience that it was much higher. No doubt this year some Republican statistician will prove that times were better since September last than ever before in the entire history of the human race, thereby once more illustrating the proposition that while figures will not lie, liars will figure.

The gentleman from New York appears to think that the publishers of the land do not know what is the matter with themselves.

I have not time to-day to go into an argument about removing the tariff on wood pulp and print paper. I may do so at some future day; but one thing is certain, either the publishers of the land are a lot of consummate liars—which I do not believe—or the price of news paper has gone up and is higher than it

ought to be, for with almost unanimous voice, without regard to politics, they declare that the price is cruelly high and demand that wood pulp and news paper be put upon the free list. Republican papers have it in their power to drive Republicans here into giving them relief or to drive the Republicans out of Congress; and if they do not do the one thing or the other, they should forever hold their peace, for every Democrat here stands ready to vote for their relief. The gentleman from Mississippi [Mr. WILLIAMS] properly characterized the tariff on wood pulp and news paper and on art as a tax on intelligence, which should therefore be removed.

The gentleman from New York was muddled as to the bill of the gentleman from Mississippi [Mr. WILLIAMS] to cut the tariff when above 100 per cent down to 100 per cent. He talked exclusively about tobacco and alcohol, on which there is a large internal-revenue tax. The history of that transaction is that in the Committee on Ways and Means Mr. WILLIAMS amended his bill so that where there was an internal-revenue tax on any article the tariff should be left high enough to compensate for the internal-revenue tax, even though the tariff on that article should be more than 100 per cent. As amended, it was voted down in committee, all the Democrats voting for it and all the Republicans voting against it. I have here a long list of articles on which the tariff is more than 100 per cent, in some cases much more. At some convenient season I will go into that matter in extenso.

Just one more thought about the tariff, and then I am through with that to-day. Some time during the session I will take a day off and make a sure-enough tariff speech.

Not long since my distinguished friend from Maine [Mr. LITTLEFIELD], in a running-fire debate with the gentleman from Kentucky [Mr. SHERLEY] about ship subsidies, wanted to know if it was not true that our shipping shrank more under free-trade legislation than under protective legislation. I take it that was a slip of the tongue. The gentleman from Maine is a great figure in this House. He understands the use of the English language, too, and he knows, none better, that there never has been a time that this country was under free-trade legislation under the Constitution, except a few days between Washington's inauguration and the enactment of the first tariff law. I submit that a man with the standing of the gentleman from Maine, one who speaks like the centurion of the Bible, with authority, and "saith to this one 'go,' and he goeth, and to another 'come,' and he cometh," has no right to use words in such a reckless manner as that. It may do for some obscure and ignorant brother, but will not do for the distinguished gentleman from Maine. [Laughter.]

The gentleman from New York twitted us with not having passed any legislation in the last forty years. I have very little money; that thing which he suggests has bothered me a long time; but I will give the gentleman a thousand dollars if he will tell me how a minority can outvote a majority in any legislative body on earth. [Laughter.] That is the problem we have all been working on here for years.

Republicans in this House will not be permitted to create the false impression that Republicans throughout the country are a unit in indorsing either the President's message or the President's conduct in his support of Mr. Secretary Taft in his White House aspirations. On the eastern border of Missouri is St. Louis, the great "City of the Iron Crown." There is published the *Globe-Democrat*, the Republican organ for eastern Missouri, southern Illinois, and adjoining territory. On February 1, closing a long and unfriendly editorial on the message, the *Globe-Democrat* says:

The general judgment with regard to this special message can hardly fail to be that it is ill-timed and ill-tempered. Nobody questions the President's motives or purposes, but, unfortunately, his methods are now and then such as to invite criticism from his friends and give comfort to his enemies.

That is the deliberate editorial judgment of the *Globe-Democrat*, the greatest Republican paper in the Mississippi Valley.

February 3 there appeared in the *Globe-Democrat* an editorial "squib" in these words:

There is a widespread belief that the world is steadily growing better and that business confidence, if it must be disturbed, should not be attacked in a fiery spirit.

The man must be dull indeed who does not see that that is an unfriendly charge against the President.

In the same column we find this paragraph, which needs a diagram to explain it:

"Go softly and carry a big stick" is a phrase that has attracted much attention. The advice contained in the first two words should not be slighted.

It seems to mean that the President is traveling at too rapid a gait and should use the soft pedal hereafter in making music for Republicans to dance to.

The *Globe-Democrat* is represented in this city by two bright

young men who, it may be reasonably assumed, are in full sympathy with the policies of that paper. On February 1 they sent a telegram to the *Globe-Democrat* which was printed with great black headlines in these words:

Message was prop to Taft, is opinion—Roosevelt's document only for partisan purpose, Republicans believe—Congress to ignore it—Telegrams from various points congratulate President—More messages expected.

The full text of the telegram is as follows:

WASHINGTON, February 1, 1908.

A strange and significant phase of present political conditions is found in the fact that no Republican of prominence in Congress has come forward with the declaration that President Roosevelt's special message of yesterday was written for any other than a partisan or personal purpose.

No credit is given to the President by his party's legislative leaders for motives aside from those of a political nature. While opinion continued to vary as to the circumstances which impelled Mr. Roosevelt to pen this most remarkable document, there seems to be general unanimity in the view that its object was to produce a marked effect upon the deliberations of the forthcoming national convention of the Republican party.

PLAN TO STRENGTHEN TAFT.

Yesterday the most common interpretation of the message among Senators and Representatives was that it revived the chance that the President would be renominated.

How that suggestion must cause the iron to enter the souls of certain ambitious Republican statesmen who pant for a residence in the White House even as the hart panteth for the water brooks!

The dispatch continues:

To-day there is not such general adherence to this idea. Having had twenty-four hours to think over Mr. Roosevelt's resentful production, and perhaps to have obtained a tip from the proper quarter, Republican Congressmen were inclined this afternoon and this evening to the opinion that the message was intended to strengthen Secretary Taft's candidacy and that it is bound to have that or the contrary effect of injuring him greatly.

However coldly the message was received by Republicans in Congress, hundreds of people away from Washington liked it so well that they sent telegrams of congratulation to the President. These helped to dry any dampener that may have been put on Mr. Roosevelt's spirits by his failure to awaken enthusiasm among his party's legislators, and he found additional cause of gratification in the kind words poured into his ears to-day by statesmen who found that duty demanded they call at the White House.

BOMBARDMENT MAY CONTINUE.

Some of the Republicans in Congress, particularly in the House, are much concerned over a suspicion that, unless Congress undertakes to enact some of the measures suggested in the President's special message, Mr. Roosevelt will bombard the Capitol with more messages of the same character in an attempt to arouse the people and bring from them a demand that the President's suggestion be adopted. Nothing has appeared, however, to justify any belief that Mr. Roosevelt has any such intention in view, or that there is warrant for a rumor that if Congress adjourns without putting more of the Roosevelt policies into the form of law, he will call an extra session.

The Congress leaders have determined upon a legislative programme which embraces very little work. Financial legislation is probable, and there is reason to believe that the employers' liability law, recently declared unconstitutional, will be reenacted in terms that will pass the scrutiny of the Supreme Court. The President, in his special message, urged that the law be reenacted, but it did not need his urging to make Congress take notice of this measure. Beyond these special features, not much legislative work outside of the necessary appropriation bills is contemplated, and in spite of the rumors that Mr. Roosevelt will insist that his views be placed on the statute books the Congress leaders are not giving any consideration to the question of abandoning their plan for an early adjournment.

So much for the *Globe-Democrat*.

On the western border of Missouri is Kansas City, in which is published the *Journal*, the Republican organ of western Missouri, Kansas, Oklahoma, and eastern Nebraska. In a recent issue it contained this racy editorial paragraph, which I cheerfully commend to all concerned:

The crack of the Administration whip has drowned all other sounds in Missouri, and the deadly menace of the "big stick" has overhung every Republican politician who has an office or who hopes to get one. Postmasters, district attorneys, marshals, revenue collectors, post-office inspectors, bank examiners, railway mail clerks, porters, keepers of cuspidors, and deputies of every kind and description in the Federal service, not to mention State committeemen, county committeemen, Congressional committeemen, and other more or less distinguished outs who hope to get a slice of Federal pie when it is cut next year, have joined in the Federal, if not national, anthem, "I'm a Taft man—beat me to it if you can," or words to that effect, chorally expressed.

I submit to a candid world that that is rather rough on a President who is a great civil-service reformer—on paper. I submit, furthermore, that if any Democrat in the land had written and published that, some limber-legged cuckoo would denounce him as a slanderer, and the President himself would have promptly clapped the offender into the Ananias Club; but the *Kansas City Journal* is a thoroughgoing Republican organ, and is in a fine position to talk back.

In St. Louis there is published the *Times*, an independent daily paper, with wide circulation, owned principally by Republicans of high degree. Recently it contained this editorial:

AFTER THREE DAYS.

Practically every carefully edited newspaper of prominence in the United States has sounded a note of regret in connection with the President's message. There seems to be no dissent from the proposition

that Mr. Roosevelt's utterance was intemperate and unnecessary. Even the strongly partisan Republican papers have commented severely on the language employed in the latest utterance from the White House.

There is agreement on the point that the President has injured the cause of Secretary Taft. Certain of the President's supporters have reached the hasty conclusion that Mr. Roosevelt has decided to force his own renomination; but anyone who has read his various letters and statements on the subject can not with seriousness entertain such an idea.

It would appear that Mr. Roosevelt, acting in angry haste, has impulsively voiced his sentiments. In doing so he has hurt his cause and that of Mr. Taft. He has not injured the country, a fact proved by the indifference of business and its failure to respond in any way to the tirade officially sent to Congress last Friday.

These excerpts from Missouri press are straws showing how the President's message and the President's conduct are regarded by the faithful in that magnificent Commonwealth.

February 6, seven days after the event, the Washington correspondent of the Philadelphia Inquirer, a thick-and-thin Republican organ, edited with great ability, sent his paper the following illuminating dispatch:

CONGRESS LIKELY TO ADJOURN EARLY DESPITE MESSAGE—ROOSEVELT'S RECOMMENDATIONS WILL PROBABLY BE IGNORED—WILL NOT BE DRIVEN BY THE BIG STICK.

INQUIRER BUREAU, POST BUILDING,
Washington, D. C., February 5, 1908.

An extremely early adjournment of Congress is now the talk about the Capitol. Gossip about the House corridors and cloakrooms is that the adjournment of the session will be some time between the middle of April and May 1. This would be an unusually early date for the close of a long session of Congress, but the leaders are anxious not to remain here a day longer than necessary.

Members of Congress want to be home to get ready for elections, for one thing; and, besides, this thing of trying to legislate calmly under the shadow of the big stick is disconcerting, and leads to nervousness. Since the President's message was sent to Congress there has been a great deal of talk that the Senate and House would hasten to enact the legislation the President is urging. It does not appear likely the House and Senate Republican leaders will, to any great extent, upset the plans they made at the outset of the session. These plans comprehended the passage of the appropriation bills, with a very limited number of general bills of importance, and with most of the President's recommendations fallen by the wayside.

BIG STICK NOT EFFECTIVE.

It does not seem likely the House and Senate leaders will permit themselves to be driven by the White House and clubbed into passing legislation to which they are hostile. This does not comport with the methods of men who practically control the course of things at the Capitol. The fact that an extremely early adjournment is being talked of is the best possible indication that the leaders are not calculating seriously on going into most of the subjects the President wants legislation upon. For instance, if Congress contemplated careful legislation for Federal control of corporations or Federal supervision of the issues of railroad securities, it is certain that the session would be prolonged until at least early in June. It would take weeks to dispose of matters of this kind in both Houses. It is to be recalled, too, that the currency question has yet to be threshed out in both Houses, and that a number of weeks will be taken up with this.

The seventh column of the editorial page of the Washington Post, independent, is usually devoted to interviews with distinguished visitors to the finest capital in the world. That column is an interesting feature of an interesting paper. We all read it to see if our names are written there and to try and discover what public sentiment is, for of all places Washington is the poorest view point of the political field. Here molehills are magnified into mountains and mountains are minified into molehills. Consequently those who desire to really know what is going on in the country at large read carefully and ponder prayerfully the interviews with visitors fresh from contact with the great body of the people.

Recently Hon. John C. Houk, from Knoxville, Tenn., with whom many of us served in Congress, whose father before him served many years, was in Washington, and he unbosomed himself to a Post correspondent. In the aforementioned column, on the 7th day of February, appeared an interview with him in words and figures as follows, to wit:

John C. Houk, Republican, of Tennessee, who served the Knoxville district in the Fifty-second and Fifty-third Congresses and who has frequently been a member of the State legislature, is at the Raleigh for a few days. He is the original Roosevelt man in Tennessee, and did some important work for the President. He still supports the President, and is friendly to Secretary Taft, but last night, in talking Tennessee politics, he said it was time somebody told the War Secretary how matters stood.

"The Republican party, especially in the South, will never be worth anything unless it is built upon something besides Federal offices," said Mr. Houk. "We would to-day have a Republican State administration in Tennessee but for patronage."

"By impudent interference with the rights of others and infraction of law for many years, a cabal of Federal officeholders in Tennessee has disgraced national Republican administrations; and I believe I conservatively state the case when I say that to-day there are more violations of the civil-service laws and of the spirit of civil-service reform by Federal officeholders in the South, and certainly in Tennessee, than at any time during the past generation. Conditions are worse than under Grant's Administration, when, of course, the civil-service act of 1883, and amendment thereto, were not in existence."

"When a campaign is on, inspectors or special agents are sent to the South to intimidate officeholders. In 1896 there were 196 inspectors or special agents, whose annual compensation was \$1,300,000. In 1907 there were 3,000 inspectors or special agents, drawing \$9,000,000 annually."

"These agents slip down among us with the muck rake in one hand

for the citizen complaining of the violation of law on the part of the officeholder and a brush full of whitewash in the other hand for the offending officeholders. I speak as the friend of the present Administration, and I believe if the President knew conditions in the South he would correct them."

"We understand in Tennessee that a high public official at Washington, who never lived in Tennessee, has for months been laying wires to drive the 150,000 Republicans in my State into submitting practically to the selection of delegates to the national convention by the Federal officeholders. We shall not submit to such dictation, and that high functionary should be dismissed from the Administration."

"If Federal officeholders in Tennessee had obeyed the law, Judge Taft would have got the vote of that State in the convention without the least trouble; but now it seems that these officeholders are certain to cause double delegations from my State."

I could fill 100 pages of the CONGRESSIONAL RECORD with such Republican clippings; but to do so would be wasteful and ridiculous excess, as most of you have read scores of similar tenor. It will be observed that I have quoted none of the bitter diatribes against the President, such as have appeared in the New York Sun and certain other Republican papers. I have quoted a few Republican papers which criticize and oppose him with some approximation to moderation and which may be taken and accepted as representing Republican opinion.

Here, however, is an extract from an Administration paper—the Boston Transcript—which is such a perfect gem of literature that it deserves a place in the CONGRESSIONAL RECORD, which my excellent friend from Alabama [Mr. CLAYTON] characterizes as "the greatest daily published in the wide, wide world." Recently a staff correspondent of the Transcript illumined its columns with this exquisite paragraph:

The President is not using Federal patronage in any vulgar, commercial sense, or anything of the kind. He remains the high-minded man we have always known him to be. But he is using his influence as Theodore Roosevelt, persistently and mightily, for the nomination of William H. Taft, and this same Theodore Roosevelt happens to be the President of the United States, and so at the head of the greatest army of appointive officers that exists under the light of the sun. The stronger the Rooseveltite in the Cabinet or elsewhere in the public service, the greater his enthusiasm for Taft. All along the line, from the wood choppers in Government reservations to the Cabinet ministers whose political future is staked in the Roosevelt line, present and prospective, the Roosevelt men are for Taft.

These Republican criticisms and grumbings are not mere empty words and frothy mouthings. They are being transmuted into action—action hostile to the President, meant to defeat his heart's desire of bequeathing his Presidential mantle to Mr. Secretary Taft—for every gale that sweeps from the South and North and East and West brings to our ears the clash of resounding arms among the Republican factions, and to Democratic ears it is sweeter music than any symphony that Beethoven ever produced. Three hundred contesting delegates is the estimate of the newspapers. Florida Republican factionists answer Ohio factionists; Missouri Republican factionists answer New York factionists, and from ocean to ocean among Republican factionists it is war to the knife and the knife to the hilt. More power to their arms is my sincere and fervent prayer! As they stick and thrust and cut each other, Democrats cheer them on by impartially shouting: "Go it, husband! Go it, bear!"

The gentleman from New York [Mr. PAYNE] and the gentleman from Iowa [Mr. HEPBURN] both took a fall out of Thomas Jefferson. [Laughter.] It amuses them and does not do Thomas Jefferson any harm. [Laughter and applause on the Democratic side.] I wish to suggest to those two worthy statesmen that they read a little speech that Senator George Frisbie Hoar made about Thomas Jefferson. One sentence is, "He comes down to us with the Declaration of Independence in one hand the Louisiana Purchase in the other." [Applause on the Democratic side.] Nobler eulogy no man hath, and the statesmen of the present day can not damage him by assailing his memory. The gentleman from New York gets history all mixed up about Jefferson. He said that Hamilton made this a nation and that Jefferson denounced the Constitution as a mere rope of sand. Why, bless your souls, the two favorite expressions that Alexander Hamilton always used about the Constitution of the United States were, "a mere rope of sand," and "a weak and worthless fabric." They were not Jefferson's expressions at all. As late as February 27, 1802—a little more than two years before his tragic death at Weehawken—on which bloody field James Parton says that both Burr and Hamilton fell—Hamilton said in a letter to Gouverneur Morris:

Mine is an odd destiny. Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and, contrary to all my anticipations of its fate, as you know, from the very beginning, I am still laboring to prop the frail and worthless fabric. Yet I have the murmur of its friends no less than the curses of its foes for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more that this American world was not made for me.

There you have it. "A weak and worthless fabric." "What is writ is writ," and the gentleman from New York [Mr. PAYNE] shall not be permitted at this late day to make a nunc

pro tunc entry for his illustrious client. Hamilton and Morris were bosom cronies. Morris was one of his most faithful friends in life and his most eloquent eulogist in death.

This letter was the honest outpouring of a sore and wounded heart to a friendly ear, and no doubt expresses Hamilton's sincere opinion of the Constitution after it had been in operation thirteen years and when almost everybody else recognized it as a glorious success.

I call particular attention to the last sentence in that extract, "Every day proves to me more and more that the American world was not made for me." There spoke the real Hamilton, without hedging and without disguise. There never was a moment in his life when he did not distrust man's capacity for self-government and did not dread "the reign of the common people." [Applause on the Democratic side.] On the other hand, Thomas Jefferson believed in the common people [applause]; loved them with all the intensity of his great heart; wrought nobly for them, and they have repaid his love in Scripture measure—heaped up, pressed down, and running over.

In the speech of the gentleman from New York [Mr. PAYNE] occurs this amazing sentence. If Isaac Disraeli, father of the brilliant Benjamin, Earl of Beaconsfield, had ever fixed his eyes on this sentence he would have clapped it into his *Curiosities of Literature*. The gentleman from New York [Mr. PAYNE] is a learned man. He can use the English language with accuracy when he so desires. I want you to listen to this sentence now with critical ear:

But Alexander Hamilton, perhaps at a dinner at which Mr. Jefferson was present—

At a dinner, mark you—
incorporated into the Constitution and into the laws—

Mark you, at a dinner—
that the debts which the States incurred for bringing liberty and victory to the Federal arms should be assumed by the Federal Government—that the National Government should be responsible for the national defense—and thereby wrote into the Constitution and the laws—

At a dinner, mark you—
the fact that we are a nation—
which wonderful sentence was received with applause on the Republican side.

Lest we forget, I once more remind you that the gentleman from New York [Mr. PAYNE] thinks that Alexander Hamilton, "solitary and alone"—to use Col. Thomas Hart Benton's pleonastic phrase on a memorable occasion—amended the Constitution and laws in a most important manner at a dinner! If he could accomplish all that at a dinner, what, in Heaven's name, would he have done if he had also worked at it at breakfast and at supper? [Laughter.] But the truth is that there is not a word in the Constitution, whether it was put there at dinner or any other time, about the assumption of the State's Revolutionary debts by the Federal Government. It is a matter of statute. That is all there is to that.

Some of these days, with the consent of the House, I intend to make an entire speech here about Alexander Hamilton and Thomas Jefferson, as a duty to the living and to the dead. [Applause on the Democratic side.] For the present I will content myself with this statement as to that pair of Titans.

The conspiracy, for it is nothing less, and the chief proponent of it is Hon. Elihu Root, Secretary of State, to pose Alexander Hamilton as "the father of the Constitution," is one of the most preposterous and impudent fakes in history. [Applause on the Democratic side.] I know how it will work. It is the New England school of book writers that does it. [Applause on the Democratic side.] Somebody hints it and then somebody declares it, and the next you know it is clapped into the school-books. That title, "the father of the Constitution," belongs of right to James Madison, the great Virginian. [Applause on the Democratic side.] These latter-day Hamiltonians are endeavoring to filch from James Madison the glory of being "the father of the Constitution," just as Americus Vesputius filched from the great Genoese navigator the glory of fixing his name on a newly discovered world. The facts of history are plain. James Madison went to the Constitutional Convention with a plan of a constitution in his pocket.

It was submitted to the Virginia delegation, with George Washington at its head. They agreed to it and presented it as "the Virginia plan." Hamilton had a plan and somebody else had a plan, and the convention rejected Hamilton's plan, they also rejected the third plan, and they adopted Madison's plan in all of its essential features, and he has been acclaimed "the father of the Constitution" until quite recently.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. Mr. Chairman, I yield twenty minutes

more, or such time as the gentleman desires in which to complete his speech.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized for twenty minutes.

Mr. CLARK of Missouri. I thank the gentleman from Georgia [Mr. LIVINGSTON] and the House, and I will not abuse the privilege. If the spirits of the illustrious dead take any interest in the affairs of this mundane sphere, Alexander Hamilton's spirit must be in a state of perpetual hilarity on account of the antics of his disciples to make him "the father of the Constitution," a document which he always denounced as "a mere rope of sand" and "a weak and worthless fabric."

I have never been enamored of Hamilton's political theories, but candor compels the statement that he did yeoman service with his pen in the *Federalist* and with his tongue in the convention of New York to have the Constitution adopted. This mighty man needs no borrowed glory to make him one of the colossal figures in our history, for time and distance have only magnified his proportions, as they have also those of his immortal antagonist, Thomas Jefferson, who overthrew and destroyed the party which Hamilton had created. They were antagonists in their lives; they are antagonists in history; antagonists even in their graves.

It is said that the test of the pudding is chewing the string. [Laughter.] The test of sincerity here as to who is more in favor of any good laws which the President has suggested in his various messages is to be found much more in vote than in word. That is the genuine test of sincerity here. The gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. SHERMAN], the gentleman from Iowa [Mr. HEPBURN], together with the gentleman from Minnesota [Mr. TAWNEY], are the real leaders on the Republican side of this House, under the general supervision of the Speaker. [Laughter and applause on the Democratic side.]

They are the ruling elders. They constitute the "big five" on the Republican side of this House. These five men, by being able to catch the Speaker's eye at any time, can force any measure through this House that they want. In thirteen years' service I have never seen the Republican machine thoroughly upset and run over in this House except on one occasion, and that was when the gentleman from Minnesota [Mr. TAWNEY] broke away from the Republican majority and led that flying wedge of Republican insurgents down this aisle, when the Democrats, with the gallantry of the French at Fontenoy, stood aside and let them go through the tellers first. [Laughter.] That was a great day; but the gentleman from Minnesota is now "back on the reservation." [Laughter.] I think that that day's bolt was the performance which more than all else led him finally to the chairmanship of the Committee on Appropriations. [Laughter.] He is one of the "big five," and all of them, as I have said, enjoy peculiar facilities in catching the Speaker's eye. [Laughter.] When one of that "big five" arises in his place and says, "Mr. Speaker," the Speaker does not fire back at him that crushing interrogatory, "For what purpose does the gentleman rise?" [laughter] for the all-sufficient reason that he knows in advance for what purpose the gentleman rises. [Renewed laughter.]

If, in an unexpected emergency, he does not know precisely what any one of the "big five" is up to, he has sufficient confidence in his sagacity and in his fidelity to the machine to take it for granted that whatever is proposed is for the good of the Republican order. [Laughter and applause on the Democratic side.] Consequently recognition is granted immediately and ungrudgingly.

I suggest, if you gentlemen want to prove your sincerity, I will tell you exactly how to do it now in about two minutes. Let one of the "big five" arise in his place and ask unanimous consent for the immediate consideration of a new employers' liability bill. [Loud applause on the Democratic side.]

Every Democrat will gladly give his consent, and in thirty minutes by the town clock the bill will be passed, carrying gladness to the heart of every wage-earner betwixt the two oceans. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Chairman, will the gentleman yield? Mr. CLARK of Missouri. Yes; certainly.

Mr. SHERMAN. I noticed, the other day, that the gentleman's authority to speak for his party was questioned by one gentleman from New Jersey. Has the gentleman canvassed his party so thoroughly now that he knows that he is speaking for the entire party?

Mr. CLARK of Missouri. I will tell you how that is: A few of the boys are off the reservation, but they are coming in very rapidly, one by one, as sure as you are living. I am sorry you interrupted me in such an interesting place. [Laughter.] Let

the gentleman from New York [Mr. SHERMAN], one of the "big five," and the slickest one of the five at that [prolonged laughter], let him ask unanimous consent for the immediate consideration of a bill limiting the Federal courts in issuing injunctions—such as the Clayton bill, for instance—and it will go through like it was greased, as far as the Democrats are concerned. [Applause on the Democratic side.]

Let still another of the "big five" ask unanimous consent for the immediate consideration of a bill providing for jury trials in contempt cases by construction, such as the Henry bill, and, so far as we are concerned, we will give you not only consent to consider it, but every Democratic vote to pass it. [Applause.]

Let still another of the "big five" ask unanimous consent for the immediate consideration of a bill providing for the publication of campaign contributions and the names of campaign contributors, such as the Rucker bill, or the Cockran bill, and we on this side will hail it with rapture and pass it with a whoop. [Applause on the Democratic side.]

Let the biggest of the "big five," the gentleman from New York [Mr. PAYNE], arise in his place and ask unanimous consent for the immediate consideration of a bill to put wood pulp and print paper on the free list, such as a dozen of us have introduced, and no Democrat will object. [Applause on the Democratic side.] On the contrary, we will be happy to record every Democratic vote in its favor, and the publishers of the land, with one accord, will rise up and call us blessed. That's an easy and certain test of sincerity. How do you Republican statesmen like that programme?

All five of these bills can be passed in one day, provided the "big five" can induce barely twenty-eight Republicans to vote for them; for twenty-eight Republicans, with the solid Democratic vote, constitute a majority of this House; and surely there are twenty-eight righteous men in this Republican Sodom. [Laughter and applause on the Democratic side.]

My Republican brethren, you have the power and you should have the disposition to enact into law such bills as I have named. You can not shirk or shift the responsibility for you have the machinery in your hands. Adjourn without such legislation, and yours will be the condemnation.

On the morning of far-famed Trafalgar, Nelson signaled his fleet: "This day England expects every man to do his duty." When the sun set on that stupendous day the Union Jack waved in triumph over a crimson ocean, and Horatio Nelson's name was written at the very top of the scanty list of the world's great sea kings.

My Democratic brothers, a greater battle than Trafalgar is here, involving more and vaster interests, fraught with more far-reaching and more momentous consequences. In the impending conflict I summon every Democrat in all this broad land to service under the Democratic banner and for Democratic principles; principles which were enunciated by the immortal Jefferson, which were upheld by the heroic Jackson, and which are as dear to the hearts of the people to-day as they were a century ago. Fighting under that banner and for those principles we won fourteen Presidential elections out of thirty. We can win again and again upon them, until we drive the Republicans from every place of power, thereby restoring the Government to the wise, sane, wholesome, patriotic principles of the fathers—a consummation devoutly to be wished. [Prolonged applause.]

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and, the Speaker having resumed the chair, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 11, 1908:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes so as to change the name of the Fairfield collection district; and

H. R. 14011. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BINGHAM. I yield one hour to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, after the witty, humorous, and literary address to which we have just listened, so de-

lightful to all of us, whether we agree with the views advanced or not, it is like unto a descent to Avernus for anyone to have the temerity to address this House upon a dry subject calculated to empty the House before he has proceeded far upon his way. Yet perhaps I am justified to a certain extent in doing this, because the gentleman from Missouri [Mr. CLARK] has himself in the course of his address twice alluded to the subject upon which I propose to speak this afternoon. He called the attention of the committee to the remark of the gentleman from New York [Mr. PAYNE] in referring to the tariff upon wood pulp and paper, and then almost at the close of his address he brought up an illustration of how eagerly this House would vote, without dragging the slow hours along, for the immediate passage of a bill, if one of the "big five" would introduce it, which would place wood pulp upon the free list. I believe the remarks of the gentleman were that there were some twelve bills of that character now pending before this body, and that the matter is exciting more or less interest is undoubted. Yet, strange as it may appear, although this matter has, in my judgment, excited more interest and comment during the past year than any other article upon the tariff schedule, we have up to this time failed, as far as I can learn by reading the comments in the newspapers or by the addresses on this floor, to ascertain one single reason why it should be done. No facts, no data have been given. It seems to have been assumed as a self-evident proposition. Therefore, inasmuch as I myself, as trustee of an estate and a director in one of the large pulp companies of this country, have a certain personal interest in the matter, it seems to me my duty to exploit the subject.

It is well known that during the last few months the American Publishers' Association and the Editorial Association have been in Washington and have laid their grievances before the President of the United States. They demanded, as our Democratic friends are demanding, that the tariff on pulp should be removed. They expected, from intimations that they had heard, that the President would favor that proposition. Much to their astonishment, when his annual message was read before this Congress when it first convened, instead of recommending what they had demanded, he recommended something entirely different, and a measure, which I shall endeavor to show before I finish my remarks, is more drastic than the law as it now exists, because his recommendation was that the duty should be taken off wood pulp, but there should be entered into an agreement with the Dominion of Canada that there should be no export duties placed upon pulp logs by the Canadian Parliament, a proposition going much further than the existing law, as I shall proceed to show. In the last gubernatorial campaign in Massachusetts the Democratic candidate for governor formulated his own platform. That platform was made up of four planks—free hides, free coal, free wood pulp, and free timber. He said it was a referendum to the electors of Massachusetts, that they, by electing him on that platform which he himself had formulated, would demonstrate to the country that not only was Massachusetts eager for tariff revision, but that they were eager for tariff revision along the lines he had laid down. I read every speech of that candidate as it appeared in the metropolitan journals of Boston, and I assert to you honestly and squarely that I never saw one single reason advanced in any speeches which that candidate made why the duty should be removed upon wood pulp. He seemed either to assume, as everybody else who has discussed this question seems to have assumed, that it was a self-evident proposition, or else if they did look into the matter they were confronted with such insuperable objections that they did not dare advance the argument before the people.

Now, in order that this may properly be understood it is necessary that I should in a sort of academic way state how paper is made. This may seem to be a matter of supererogation, and yet you can not understand the paper business and the pulp business unless you know how paper and pulp are made. Pulp is made out of the fiber of wood. There is nothing in paper, except coloring matter, but wood. There is nothing but wood in the paper which I hold before you. This paper reduced to fiber by a mechanical process in placed in an immense tank of water, and then the fiber is taken off by a paper machine, on a cloth which revolves about rollers until it comes out a sheet, and to come out a sheet, which is absolutely indispensable, it is necessary that the fiber should be matted together, should hold together. The only wood thus far found, even under the inventive genius of the American people, whose fiber is sufficiently long and strong and of the proper color to mat together and make news paper, is spruce. You can make paper out of cottonwood and hemlock and pine. You can make it out of cornstalks, but you can not make it so that it will sell, because

under the present machinery and processes by which paper is made you have got to have a long, strong, tenacious fiber, and the only wood that is known which produces that fiber is spruce wood. Now, in making news paper the sap is not taken out of the fiber. Therefore, when that fiber is matted together it has all the moisture in it. If you should take a newspaper like the Washington Post or any other paper issued in this city to-day and take your pen and ink and write upon it, you would find that the ink spreads; and that is because the sap in the fiber is still there. The result of this is, the sap being in the fiber of the news paper, there is always more or less moisture, so that you can not write on it, so that you can easily tear it apart. It seems to be rotten, but that rottenness is only apparent, it is simply the ease of separation by reason of the sap being in the fiber that you can tear it apart. Therefore, it is absolutely indispensable that you get a fiber that will hold together because the sap is in it, and the only fiber that can be found to be used among the mills of the Northern States is spruce.

Mr. GAINES of Tennessee. Where is that spruce found?

Mr. TIRRELL. I am coming to that. Spruce wood is found in Maine, New Hampshire, a little in Vermont, in New York, in Michigan, Wisconsin, Minnesota, and considerable quantities in West Virginia. There is still a very large supply in the State of Maine. There is a considerable quantity in New Hampshire, but inasmuch as it is proposed at a no distant day to make a forest reservation in the northern part of New Hampshire, and as that reservation will take out 600,000 acres, there will not be spruce enough left to run the great mill at Berlin in that State without getting pulp and logs from Canada.

Mr. GAINES of Tennessee. How large are the trees, and how long does it take them to grow?

Mr. TIRRELL. The trees that they grind up are, on an average, about 5 to 8 or 9 inches in diameter.

Mr. GAINES of Tennessee. How old is a tree of that size?

Mr. TIRRELL. I can not say, but spruce is a fairly rapid grower. I should think it would take about forty years to get a good-sized growth of spruce. Perhaps the gentleman from Maine can tell you.

Mr. LITTLEFIELD. I think the gentleman is a little extreme, I should say between thirty and forty years; but of course that depends a good deal upon what you call the average growth—on the diameter of the tree.

Mr. DRISCOLL. Will the gentleman from Massachusetts yield?

Mr. TIRRELL. Certainly.

Mr. DRISCOLL. I have heard the statement made many times as to how large a space of territory in the way of acres of ordinary spruce timber is required to issue one of the Sunday editions of the large papers like the New York American. The gentleman from Massachusetts is always accurate, and I wish he would state, if he knows, in regard to that.

Mr. TIRRELL. I can not say. I have seen the same statement that the gentleman has seen, that it took a territory of 10 or 12 acres.

Mr. DRISCOLL. Does the gentleman think that is possible?

Mr. TIRRELL. I do not. I have never seen it figured out.

Mr. GAINES of Tennessee. Can the gentleman tell us how long it will be before we have no spruce to use at the rate that we are now cutting it?

Mr. TIRRELL. I am coming to that, and I will try to give the gentleman information on that point.

Mr. LITTLEFIELD. Let me ask the gentleman a question. Is the gentleman advised as to the relative draft upon the forests of the country for the pulp and paper industry as compared with all other timber and lumber products?

Mr. TIRRELL. About 5 per cent is used for pulp.

Mr. LITTLEFIELD. I think the gentleman is in excess of the actual draft. The present draft of the pulp and paper industry, as compared with the total consumption—and that includes lumber, timber, firewood, fences, etc.—is only 1.78 per cent. Those are the figures given to me by the Forestry Bureau.

Mr. TIRRELL. I took my statement from the newspapers.

Mr. LITTLEFIELD. I have taken mine directly from the Bureau of Forestry.

Mr. GAINES of Tennessee. Before the gentleman concludes his remarks, I wish he would explain about what is known as the "paper trust," and what the result has been in the litigation of the Federal Government against it?

Mr. TIRRELL. The gentleman refers to the General Paper Company which is located in the western part of the country along the line of the Mississippi River. I am not conversant with that matter, although I have among my papers here a list of all the companies that were involved in that trust. That trust was organized from these companies forming the General Paper Company, which did all their selling—an illegal trans-

action broken up by the Government. As to the particulars of that I am unable to state.

Mr. GAINES of Tennessee. The gentleman said it was broken up by the Government. I hope it has been broken up, but my information is that there was entered a consent decree enjoining it, and that it is now disobeying it, and hence the recommendation of the President.

Mr. TIRRELL. I was speaking about the subject of spruce in New York. More than one-half of the news paper of this country is made in the State of New York, and I will say to the gentleman, in addition, that the increase in the manufacture of paper has been so wonderful, indeed marvelous, in this country since 1870 that the United States is now making more paper—almost as much paper as the rest of the civilized world.

Mr. DRISCOLL. Print paper?

Mr. TIRRELL. Yes. In New York the State has prohibited the cutting of timber of any kind for twenty years over a territory covering 4,000 square miles. There are 3,588,803 acres of available spruce timber lands in New York. But the Adirondack Park reservation contains 2,807,760 acres of this, leaving 781,760 acres only for pulp supplies. Now, when we get to Michigan, Wisconsin, and Minnesota, we find there that spruce wood has become very largely denuded, and they are absolutely obliged to run their paper mills in those States by receiving their supply of paper from the Province of Quebec. They have been very wasteful, apparently, in the natural supply in their own country, but whether wasteful or not, those great mills are now dependent upon a foreign country to keep the mills going. I speak of these things in order to come to the most important, and really the only important, consideration in connection with the tariff on wood pulp. There were 2,800,000 cords of spruce wood from the United States used last year in making pulp.

There was obtained from Canada 736,000 cords, according to the official returns, but according to the estimates made in Canada, from 800,000 to 1,000,000 cords of pulp logs were exported to this country, necessary to keep our mills going; and the importance of maintaining our hold in order to secure wood to manufacture paper from was so great that paper manufacturers, than whom there are no more alert, far-sighted, and prophetic business men in the country, early saw that in order to conserve the spruce supply of the United States, not destroying small timber, but only cutting it out as it ought to be done, so that the forest would replace itself, they must have supplies from the other side of the border on which to draw, not wholly, but only partly, so that they could properly cut down the spruce on the timber lands which they own, located in the United States, to supply the necessary deficiencies from the timber exports from the Province of Quebec. The importance of the tariff, therefore, in regard to the maintenance of this great industry in our country—and there are 108 paper and pulp mills in the State of New York alone, and New York is dependent to run these mills upon the spruce which they receive from the Dominion of Canada, and will become more and more so as the years pass by—in order to maintain those mills, to keep those mills going, it was not necessary to have a little picayune tariff of 15 per cent. That does not amount to anything; that is only one-third of the average tariff rates of the Dingley bill. There is not a paper mill in the United States but what could successfully maintain its competition with the Canadian mills if that little tariff of 15 per cent was the only consideration. Our paper sells higher and is better than any paper made on the other side of the line. We get better prices for it in England and on the Continent than they can get for Canadian paper, because it is better made and of higher quality, and the paper manufacturers of the United States, if that was the only thing connected with the tariff, would come in here and request with all celerity and, as the eloquent gentleman from Missouri said, let any of these bills engineered by the "big five" go into immediate enactment.

The little joker, as the gentleman from Wisconsin said the other day about the Standard Oil tariff, the little joker to the tariff of 15 per cent, is what is needed and what has preserved this industry in our country. I commend the wisdom of those who framed the Dingley Act, who saw with prophetic vision what the future was likely to be in regard to this industry, not in raising the tariff upon pulp, which they did not do because the tariff there is the same under the Wilson law, and the tariff upon paper and pulp has been in existence ever since the organization of the Government, as appears by statement which I herewith submit for consideration:

Act of July 4, 1789, all paper, 7½ per cent.

Act of August 10, 1790, printing paper, 10 per cent.

Act of May 22, 1824, printing paper, 10 cents per pound.

Act of August 30, 1842, printing paper, 10 cents per pound.

Act of July 30, 1846, printing paper, 30 per cent ad valorem.
 Act of March 3, 1863, printing paper, 20 per cent ad valorem.
 Act of March 3, 1883, printing paper, sized, 20 per cent ad valorem.
 Act of March 3, 1883, printing paper, unsized, 15 per cent ad valorem.
 Act of October 1, 1890 (McKinley), printing paper, sized, 20 per cent ad valorem.
 Act of October 1, 1890 (McKinley), printing paper, unsized, 15 per cent ad valorem.
 Act of August 27, 1894 (Wilson), printing paper, sized, 15 per cent ad valorem.
 Act of July 24, 1897 (Dingley), printing paper, value not over 2 cents, three-tenths cent per pound = 15 per cent = \$6 per ton.
 Act of July 24, 1897 (Dingley), printing paper, value not over 2½ cents, four-tenths cent per pound.

Indeed, under some tariff acts, in the early part of the last century, the tariff was 10 cents per pound.

Mr. GAINES of Tennessee. What is it now?

Mr. TIRRELL. Reduced to an ad valorem basis, which is the only way by which a person can understand it, it is 15 per cent on the price of the article; and it has never been any lower in the whole history of the country than it is to-day, at least not enough to take any account of. But they attached this provision to that tariff so that in case Canada should impose an export duty upon logs, by what is known as a "countervailing duty" our Government could impose an equal duty upon any pulp or paper if they attempted to import or sell it in this country. That, gentlemen, as I now shall endeavor to show, has been the sole salvation of the paper mills of New York, and, if continued, will be the salvation of the paper mills of the country in the years to come. In Canada, if anywhere in the world, is the inexhaustible supply. In Ontario alone the pulp area is 80,000 square miles, or approximately 51,000,000 acres, to say nothing of greater areas still in Quebec, Labrador, and the great Northwest.

Mr. BONYNGE. Is there any tariff on the spruce wood?

Mr. TIRRELL. No.

Mr. GAINES of Tennessee. How would the export tax affect the value of the log on this side?

Mr. TIRRELL. Logs are admitted free. There is no export duty. I will now proceed and inform the gentlemen and the House what the condition is that is confronting us in regard to this great industry. And, gentlemen, right upon that point I want to give you a few figures as to the extent of it. The gentleman from Maine [Mr. LITTLEFIELD] told me a few minutes ago that one-third of all the capital in that great State which was invested in manufacturing enterprises was invested in the paper and pulp industry. The product of the pulp and paper mills of this country amounts to over \$200,000,000. There are \$300,000,000 of invested capital, and \$32,000,000 yearly paid in wages.

Mr. LITTLEFIELD. Mr. Chairman, on that question of the cost of Canadian wood as compared with domestic wood, I submit for the consideration of the gentleman from Massachusetts [Mr. TIRRELL] that the Canadian wood to-day, when it is purchased in the Canadas and imported to the United States and into the State of Maine, costs at the mill from \$1 to \$2 a cord more than the domestic would cost without any tariff. And within the last ten days there has been a resolution brought up in the Canadian Parliament for the establishment of an export duty on pulp wood, so that it would add \$1 or \$2.

Mr. DRISCOLL. Is that because it is better wood?

Mr. LITTLEFIELD. It is simply because the people in Maine are using up their domestic supply quite rapidly, and they want to preserve it, and under existing conditions they are able to pay this export price in order to save their own wood that is now growing in the forests.

Mr. DRISCOLL. Is it true that there are any of them so philanthropic that they will pay a dollar or two more a cord for the wood than they would for the Maine wood?

Mr. LITTLEFIELD. It is not a question of philanthropy. About 22 per cent of the consumption of the Maine mills comes from the Canadas. They buy it and pay that extra price for the purpose of conserving their own supply.

Mr. TIRRELL. Now, I was upon this point. Under our Constitution there can be no export duties imposed, and your cotton and wheat and corn go out free, but it is not so in the Dominion of Canada. Under their system of procedure and laws they can not only impose export duties, but they can really prohibit their raw material from going out of the country. I wish to show you just exactly what they are doing and how they feel upon this matter, and the danger to American industries. The largest manufacturer of paper and pulp in Canada is William Van Horne. Most of you, and I presume all of you, have heard of him. He is one of the captains of industry in Canada and one of the great men of the Dominion. He is the president of the largest pulp and paper mill in Canada. He can manufacture 52,000 tons of paper a year, and Canada only uses 27,000 tons. The surplus he is sending to England and

Australia, and some of it to this country. Now, I want you to know exactly what Mr. William Van Horne has to say in regard to the policy which should be enforced as to the exportation of pulp wood to this country. He says:

Let us cut off the supply of pulp wood from the American mills. Then in six months you will find American capitalists erecting paper mills in Canada.

I am going to give you a few quotations. I have a large number of them, but I will not weary you too long by this one line of thought in connection with this matter.

W. H. Rowley, a prominent Canadian, on December 5 last, before the Canadian Manufacturing Association, said:

The imposition of a substantial export duty on pulp wood would make Canada the world's mistress in this industry.

E. N. Lewis, a member of Parliament, gave notice on the 20th day of January of this year to the Canadian Parliament, as follows:

That in the opinion of this House such an export duty should be placed on pulp wood that will induce its manufacture into paper in this country, and thus save to the labor of Canada the \$6,000,000 now lost.

Last month there was also a delegation, headed by a representative of the Toronto Globe, who came to Ottawa and were lobbying in the Parliament there to have either a prohibitive or export duty placed on logs. It is currently reported that to bribe the newspapers of Canada these men, the representatives of the pulp and paper manufacturers of the Dominion, agreed to enter into a contract for a long term of years with newspaper publishers, if the press will favor this movement, at a far less price than paper is selling for at the present time.

It shows the persistent determination of the pulp and paper manufacturers of the Dominion to obtain an absolute monopoly of this business.

J. D. Holland, of the St. Jerome Paper Company and the Northern Mills Company, of Canada, is at Ottawa most of the time lobbying in this matter. F. Howard Wilson, of the St. Jerome Paper Company, favors a prohibitive duty on pulp wood to secure the establishment of American mills in Canada. Adela Turgeon, minister of lands and forests in Canada, says:

It would be a great boon for the public domain if the federal government put an export duty on pulp wood.

A. G. Eagin, who buys pulp wood for export, says:

If Canadians would go into the pulp and paper business on a large scale, the situation would be altered.

If they did, it would be bad for the Americans. It would mean that Canada would eventually control all the trade in pulp wood, pulp, and paper. James Beveridge, of the Miramichi Pulp and Paper Company, says he would favor a prohibitive duty if he could be assured it would not result in a tariff war. Francis J. Conway, the surveyor-general of New Brunswick, expresses the same opinion. W. H. Rowley, of the E. B. Eddy Company, says:

What is the sense of sending our wood to build up a foreign country and furnish it with weapons to fight Canada in the commercial world? Canada for the Canadians means something.

Now, I am not going to take up your time by further quotations. I have only given a sufficient number, it seems to me, to demonstrate to the reasonable satisfaction of the gentlemen who are present here that there is a systematic, persistent, determined effort being made by Canadians and by the leading newspapers of the Dominion—by almost every person interested in the business—to either have Canada prohibit the exportation of pulp logs or else place such a duty upon the exportation thereof as to make it impossible for Americans to continue the manufacture on either side of the line. In order to meet such a condition as that and not have this great industry destroyed, there are only one or two things which stare them in the face. The principal thing is that they are fearful that if they impose an export duty on pulp logs, or prohibit them, we will levy a retaliatory or countervailing duty which will operate as disastrously against them as the prohibition of the exportation of pulp logs would operate against us.

Mr. GAINES of Tennessee. Will the gentleman tell me why American manufacturers or American capital goes over into Canada to manufacture? Why do they not stay at home?

Mr. TIRRELL. I would say to the gentleman from Tennessee that they do not. They are not going to Canada to manufacture pulp paper. It is not necessary at present, and they do not go there.

Mr. GAINES of Tennessee. I understood you to say that American capitalists go there to engage in the manufacture of paper?

Mr. TIRRELL. You misunderstood me entirely. I said that if logs were prohibited from entering this country or such an export duty was placed upon them that they could not be used here, then the American manufacturers ultimately would

have to go to Canada to carry on business there, because there would be no raw material to work on here—not an amount to keep these mills going. I do not mean but what there would be some manufacturing in Maine and very little in the West, but not enough to meet the demands, and it would amount to nothing in the long run.

Mr. COOPER of Pennsylvania. Can the gentleman tell me what proportion of the pulp wood is imported from Canada?

Mr. TIRRELL. About one-third at the present time.

Mr. COOPER of Pennsylvania. How much capital is there invested in this business in the United States?

Mr. TIRRELL. I understood the gentleman from Maine to say that in his State alone there was about \$40,000,000 invested.

Mr. COOPER of Pennsylvania. About how many people are there engaged in the manufacture of the pulp?

Mr. TIRRELL. Tens of thousands, but I could not tell you. The amount of wages alone paid for pulp and wood amounted to \$32,000,000, and when you also add the labor which is involved in getting out the pulp wood, it will amount to \$40,000,000, and perhaps more than that.

Mr. COOPER of Pennsylvania. It has been charged through the press of the country that the manufacture of paper was largely in the hands of a trust, and for that reason the general public had been held up, and the price of paper has increased therefrom to all the people throughout the United States. I would be glad to know what the gentleman has to say in answer to this charge.

Mr. TIRRELL. I am coming to that, and I think I may as well take that up now.

Mr. COOPER of Pennsylvania. Another question, which the gentleman can answer in the same connection. There is no prohibition placed, or no export duty on manufactured paper in Canada; or is it only on pulp wood?

Mr. TIRRELL. The proposition now is to have an export duty on pulp wood. They do not want us to have free pulp; and their avowed purpose is to force American capital into Canada to make paper and pulp there, and discontinue as far as possible its manufacture here.

Mr. COOPER of Pennsylvania. But nothing on the manufacturers' product?

Mr. TIRRELL. Of course not; they want our market, and if they can stop our manufacturing they can send their pulp over here for us to buy, if we want to keep our paper mills going.

Mr. COOPER of Pennsylvania. Does not the one offset the other? When they undertake to put their price up, will not that enable our people to manufacture here and get into the market in competition?

Mr. TIRRELL. The trouble is there is not raw material here sufficient to keep the mills going.

Mr. COOPER of Pennsylvania. Is not that also a further reason why we should conserve our own timber for other purposes?

Mr. TIRRELL. We certainly should, and I want to say to the gentleman that the pulp and paper companies of this country own over 12,000 square miles of timber land in Canada. They have provided for the future. Not only that, but they have thousands of square miles in New Brunswick.

Mr. COOPER of Pennsylvania. Would this prohibitive export duty operate against the property that these gentlemen now own in Canada?

Mr. TIRRELL. Why, certainly.

Mr. COOPER of Pennsylvania. They would have no right to export their own property?

Mr. TIRRELL. Certainly not, when the control of the ownership is in another country. I have not time to go into all these matters, but the situation in Canada is that there are immense tracts of Crown land. There are 104,000,000 acres of timber land in Canada, and a very large portion of this is what is known as Crown land. Now, these Crown lands are leased, and the leases expire within about two years. It is doubtful if any action will be taken until those leases expire, so far as the Crown lands are concerned, because those who have leased them did so under the implied agreement that they could sell the timber on them under the laws as they then existed.

Mr. COOPER of Pennsylvania. And remove the timber at their pleasure?

Mr. TIRRELL. Mr. Chairman, this is too large a subject for me to cover in the time which I have under my control, and I do not desire to be diverted further from my argument. I want to take up this matter of the paper tariff and some other things connected with the subject which I think are of very great importance.

I was very much surprised to listen to the remarks of the gentleman from Indiana [Mr. ADAIR] the other day in reference to a "vicious paper trust." I asked him what company he had reference to, and he told me it was the International Paper Company. The territory, so far as the sale of paper is concerned, is practically divided, east of the Mississippi River, into two sections. There is a General Paper Company that controls the western part, and then there is the International Paper Company and independent companies that control the eastern part. It is true there is more or less selling back and forth, the eastern companies selling some in the West and the western companies selling some in the East, but not very much. Some draw the inference from that fact that there is an agreement between the two sections of country. As a matter of fact, if gentlemen are conversant with business in the northern part of the country, they must know that wood pulp and paper are very heavy articles to transport, and the freight rates are enormous. Pulp is sold to be delivered, and when you add to the price of the paper the cost of transportation, and take it a thousand miles away, you have increased the price so much that the East can not compete with the West and the West can not compete with the East.

It is just the same as it is in regard to all other lines of business where the transportation charges are heavy. Why, gentlemen, ten years ago a gentleman who was one of the leading boot and shoe jobbers in the city of Boston—I may as well tell you his name; he was my own brother—had been very successful and accumulated a competence in that business. He came to me, and he said, "Charles, I am going out of this business." He was in the western boot and shoe jobbing business, and one of the largest houses in the city of Boston. I said to him, "Why, you surprise me." He said: "Yes; I have figured this thing as carefully as I could, have kept awake nights over it, and I can not figure it out in any other way but that I must lose \$10,000 a year as long as I keep in this business. We can not compete with the western jobber in Chicago, St. Louis, Cincinnati, and other large western cities." He went out of business, and he saved his fortune.

He was the first one to do it. There were nineteen others in that business, with great warehouses and stores, in the city of Boston ten years ago, and I want to assure you, gentlemen, on my honor, for I know it as a fact, that every one of those western boot and shoe jobbing houses have either failed or gone out of business since that time because they could not compete with the cost of transportation and additional expenses with the western jobber.

That is all the answer I have got to make to that portion of the gentleman's address. He spoke about a vicious paper and pulp trust here in the East, and I have had the curiosity to look that matter up and propose to submit to you a few observations.

If there is a trust, and I understand a trust in this connection means a combination of individuals, companies, or corporations so organized into one that it is able to control the product, and is such a monopoly that it can raise at will the price. If there is any such monopoly in the paper and pulp business, or in any other business, I trust that all the laws enacted on the statute book and all the power of the Government will be exerted to break up that trust. I am opposed to successful wrongdoing in business or even in the private operations of the individual anywhere and everywhere.

If there is such a trust as that which is controlling the product and can raise the price of the output at will, the gentleman is correct, and the power of Congress, if necessary, should be evoked. I had the curiosity to look into this matter to determine that question, and I have sent for and have in my hand the last annual report of the International Paper Company of New York. I find in their statement of earnings, after paying the interest on their bonds and 6 per cent on the preferred stock, they have only a surplus, in a corporation capitalized at over \$50,000,000, of \$279,214.48.

Mr. HARDWICK. Will the gentleman yield?

Mr. TIRRELL. Yes.

Mr. HARDWICK. What are the amounts of their stock and bonds; what is the capitalization?

Mr. TIRRELL. The capitalization of the company is, of preferred stock, twenty-two million and some odd dollars; common stock, \$17,000,000.

Mr. LIVINGSTON. Is that an overcapitalization, or is it a fair representation of the property that they have got?

Mr. TIRRELL. It would take me fifteen minutes to answer that question. I am perfectly familiar with it. If the gentleman from Pennsylvania will extend my time, I will stand here and answer it.

Mr. HARDWICK. Will the gentleman put in the RECORD the details of the organization of the International Paper Company?

Mr. TIRRELL. I want to say that if the International Paper Company made as good a bargain when it organized its companies in 1898, making it out of twenty-four constituent companies, as they did out of one plant that I was trustee of, a large plant in Maine, they are the shrewdest and worthiest and best investors the world has ever known. As to the organization of the company the gentleman will see it would require an investigation for which now time and opportunity are not afforded.

Mr. HARDWICK. Well, the gentleman is familiar with the facts; let me ask him one more question.

Mr. TIRRELL. I can not permit it, much as I would desire to do so. I have so much to cover I must not be switched off.

Mr. HARDWICK. It is on that very point as to the organization of the International Paper Company.

Mr. LIVINGSTON. I hope the gentleman from Massachusetts will take the pains to answer my question in the RECORD when he prints his speech. I want to know if his company is overcapitalized?

Mr. TIRRELL. Do not call it my company. [Laughter.]

Mr. LIVINGSTON. Well, the company the gentleman is speaking about.

Mr. TIRRELL. I want to say here now that it would be impossible to duplicate the plant of the International Paper Company for any such sum of money, in my judgment, as is represented by their capitalization, but it is another question whether there was not originally what you might call overcapitalization in bonuses and in stock when it was organized. I want to say to the gentleman that outside of the first year, when they had a sort of half monopoly—as I will explain directly—they have never paid one dollar on the common stock.

Mr. HARDWICK. How much on the preferred stock?

Mr. TIRRELL. They never have paid over 6 per cent, and not only that, but I should add also that its preferred stock for years has not sold up to 90 per cent on the dollar, and only once at about that price. The average price I should estimate at about 71 per cent on the dollar. During the panic it sold as low as 54 per cent. It is now about 60 per cent. If it is a trust, it does not present any allurements to the speculative mind; rather, I should infer, it was having rather a hard time to keep up with the procession.

Mr. GAINES of Tennessee. How much of the trade of the country does it control? That is what I want to get at.

Mr. TIRRELL. I must get on in a regular way, but I think I will answer all of these questions.

Mr. GARNER. Is there any other paper concerned in selling paper in the East?

Mr. TIRRELL. I will tell you all about it.

Mr. GAINES of Tennessee. Will the gentleman please tell how much of the trade that concern controls? I don't care how much water it has in it.

Mr. TIRRELL. I will answer that question now. The trade controlled by the International Paper Company, of New York, the first year of their existence, in 1898-99, was 60 per cent of the newspapers of this country; but mills have so multiplied and competition has been so fierce and the plants have been so extended that that percentage has gone down and down and down until now they are manufacturing only 40 per cent of the paper of the whole country and only 50 per cent of the news paper manufactured east of the Mississippi.

Mr. DRISCOLL. What proportion do they control in New York State, for instance?

Mr. TIRRELL. I must get on with my remarks.

The CHAIRMAN. The gentleman declines to yield.

Mr. TIRRELL. Open up some new subject and I will try to answer the questions.

Mr. DRISCOLL. I think that is pertinent to this question.

Mr. TIRRELL. I will speak of that.

Mr. SMITH of California. I would like to propose a question, and the gentleman may answer it now or in the course of his remarks later—

The CHAIRMAN. Will the gentleman yield?

Mr. TIRRELL. Where is the gentleman from Pennsylvania [Mr. BINGHAM]? I want to know first whether I will get my time extended. I have only fifteen minutes left.

The CHAIRMAN. The gentleman declines to yield.

Mr. TIRRELL. Who ever heard of a monopoly that never could pay 1 per cent on more than half of its stock, only 6 per cent on its preferred stock, sell only 40 per cent of news paper, and have surplus earnings in excess of all expenditures, including dividends, of \$279,214.48 only in one year on a capitalization of over \$50,000,000? Why, it is perfectly ridiculous, and answers itself. Then, again, to show that there is no monopoly in the paper business, I want to call the attention of the

committee to the fact that there are eighteen independent paper and pulp mills of large size making news paper in the eastern part of this country, in New York, Maine, New Hampshire, and Massachusetts. I herewith give a list of them, with their daily capacity:

NEW YORK.		Tons.
St. Regis Paper Company	-----	130
Taggart's Paper Company	-----	30
French, Pruyn & Co.	-----	60
Gould Paper Company	-----	35
Malone Paper Company	-----	25
Cliff Paper Company	-----	40
Pette Bone Cataract Paper Company	-----	30
High Falls Paper Company	-----	30
Remington, Martin Company	-----	60
Norwood Paper Company	-----	30
Raymondville Paper Company	-----	70
Scroon River Pulp and Paper Company	-----	20
NEW HAMPSHIRE.		
Berlin Mills Company	-----	215
MAINE.		
Great Northern Paper Company	-----	450
Bowdoin Paper Manufacturing Company	-----	35
Pejepscot Paper Company	-----	75
Lisbon Falls Paper Company	-----	50
St. Croix Paper Company	-----	80
Total	-----	1,465

These are all large competitors of the International Paper Company.

They are in direct competition with the International Paper Company. Competition is of the fiercest character. It is so fierce that I want to assure you gentlemen that there are only a few paper companies that have made any profit so that they have been able to declare any dividends during the last ten years. At times they have sold—and often in the past—paper for less than it cost to keep the mills going on account of the overproduction of paper in this country. I can give some illustrations that have come under my own observation. The greatest metropolitan journal in Boston is undoubtedly the Boston Globe. Their Sunday circulation is 311,000 copies, and they usually have an edition of forty to sixty pages. Their daily edition is in the same proportion. I go by their place of business week days when in Boston, because in that city is my place of business. I notice at their printing establishment that every day about half past 4 their paper arrives. Prior to about a year ago the International Paper Company had their label on the paper, but about a year ago the label on the paper was the St. Croix Paper Company, of Maine, an independent paper company that manufactures about 80 tons a day. The next most prosperous journal—in fact, the one, it is said, that makes the most money in Boston—is the Boston Transcript. Unless they have changed within the last year or two they have bought of independent paper companies. I have not inquired as to the other papers there. Go to the city of New York—the gentleman has referred to New York—and inquire about the New York World, the Times, or the Herald, and other journals, and you will find that they have more or less bought of these independent companies. The truth of the matter is that about the 1st of January, when the paper contracts are made in this country, the figures are sent in and contracts for the coming year made. The Great Northern Paper Company, of Maine, manufactures about 500 tons of paper a day. The Berlin Company, of New Hampshire, manufactures about 300 tons a day. All of these companies want to sell their products, and they make immense quantities of it. There are 1,300 tons of news paper made every day by these independent companies, as against about 1,000 tons made by the International. The International Company must meet them in competition, and the contracts are changing all the time, and they have to figure down to the very lowest possible amount.

Mr. GLASS. May I ask the gentleman a question?

Mr. TIRRELL. No; I can not answer any question just now. They have to figure down to the very lowest possible margin. I wrote to the International Paper Company. I wanted to see what they would say about these profits. I will read you a portion of the letter I received in reply. I think all of this will be interesting, as coming from headquarters.

Mr. GAINES of Tennessee. May I ask what headquarters?

Mr. TIRRELL. The International Paper Company.

Mr. GLASS. Will the gentleman allow an interruption?

Mr. TIRRELL. No; I will not.

Mr. SABATH. The gentleman is a newspaper man.

Mr. TIRRELL (reading)—

Leaving out other lines than the manufacture of news paper, I can say that with possibly two or three brief periods of a few months in my experience of twenty-two years I have never known news manufacture, as a whole, to show more than a meager return upon the capital invested. There have been mills here and there which have made handsome profits, but, on the whole, this branch of the industry has

been subject to unbridled competition, which has been at times so fierce as to drive many mills to the wall and really threaten ruin to all.

The tremendous growth of the business has to a large extent been due to an effort on the part of individual manufacturers to save themselves by manufacturing on a larger scale. If only one manufacturer resorted to this expedient it might be all right, but when the majority do it it simply aggravates the trouble and leads to overproduction. This has been an almost chronic condition—viz, overproduction—so that in the effort to sell prices have been cut and the margin of profit practically wiped out.

Newspapers have taken advantage of the low prices to put more and more paper into their issues, and have become so spread out in this way, and so used to the price continually going down, that when the price halts or has an upward tendency they cry out that it is due to a monopoly.

Any industry ought to be entitled to a fair profit on the capital invested in it as a whole, as plants vary in efficiency according to their age and location. This means that mills representing average efficiency should make a fair return. It may be said of the International Paper Company that at the time of its formation it at least represented average efficiency, if not more than that, and the expenditure of money since has unquestionably made our plants, as a whole, better than the average plant engaged in the same line of manufacture.

You are perfectly safe in asserting that the news paper manufacturing industry is, and has been for years, run upon a most slender margin of profit. The very latest and best mills have scarcely been able to earn more than bare interest on their investment.

This brings me to the consideration of another matter suggested by the gentleman from Indiana [Mr. ADAIR] namely, that this alleged trust of paper companies should be smashed to pieces, because it had raised the price of paper to an extortionate degree. Well, if that is so, of course no one could come to anything but the same conclusion. I desire, however, to show you that there is no great industry in this country where, in proportion to the rise of prices in other commodities, there has been so small advance made as by the pulp-paper makers of the United States.

Mr. GAINES of Tennessee. Will the gentleman tell us how many companies are in this International Paper Company?

Mr. TIRRELL. Twenty-four.

Mr. GLASS. Will the gentleman tell me whether a newspaper publisher can not get a rate from any of these so-called "independent" companies of the country?

Mr. TIRRELL. That statement has been absolutely denied time and time again—

Mr. GLASS. Now, I am a newspaper publisher and I assert here you can not get a rate from an independent company.

Mr. TIRRELL. I know the gentleman is entirely mistaken in his position. I do not care whether he publishes a paper or not.

Mr. GLASS. I publish two, and I avow here I can not get a quotation from a so-called "independent" mill in this country.

Mr. TIRRELL. I decline any further to yield to discuss the question. Now, I want to say that this matter was called to the attention of the committee the other day by the gentleman from New York, but he did not call attention to the significance of the figures themselves. I find them appearing in his speech, and I desire, therefore, simply to refer to them to illustrate the point I am now endeavoring to make. In the first place, I wish to say that newspapers are a great deal cheaper now than before 1893.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman may have ten minutes additional, so as to enable him to answer some questions.

The CHAIRMAN. The Chair will state the time is in control of the gentleman from Georgia and the gentleman from Pennsylvania.

Mr. BINGHAM. How much more time would the gentleman desire?

Mr. TIRRELL. About fifteen minutes.

Mr. LIVINGSTON. I must confess I can not yield any time.

Mr. BINGHAM. I yielded to the gentleman two and a half hours to-day.

Mr. LIVINGSTON. But I have promised all of that time away.

Mr. BINGHAM. I yield to the gentleman fifteen minutes additional time.

Mr. TIRRELL. Now, I want to call your attention to the quotations on paper from time to time. Remember, gentlemen, that during all this period prices have been rising; then I propose to give you the figures as to the additional cost of pulp and paper; then I propose to show that the rise in the cost of manufacturing pulp and paper has more than doubled, and in many cases triple the rise in the price of paper itself. You will notice that practically the price of paper has remained the same for the past ten years prior to the last year. That appears from these quotations. In 1892 it was \$3 per hundred pounds; in 1893, \$3 per hundred; in 1894 and 1895, \$3 per hundred; in 1896, \$2.50 per hundred; in 1900, \$2.50 per hundred; in 1901 it fell to \$2.40 per hundred, and prices and everything else rising all the time. In 1902 it was \$2.25 per hundred; in 1903, \$2.50; in 1904 it fell again to \$2.40; in 1905 it fell again

to \$2.30; in 1906 it fell to \$1.90; in 1907, \$2; and in 1908 selling for \$2.50. In other words, if we take as a fair average the price of paper at \$2 during this period—it will not vary much from that—and then you put 50 cents on that, the present price, you have a raise of 25 per cent, have you not, on the price of paper during the last ten years, during this prosperous period?

What has it cost the pulp and paper makers during this time, and how have prices risen on them; and I ask you as fair-minded men whether they are not only justified in making this raise, but whether they have not been the closest figurers for the interest of the public that you ever heard of among the manufacturers of this country?

In the first place, as to the rise in wages. I sent to the president of the mill in which I am interested and asked him to write me in regard to that matter, and he answered as follows. This mill, you should understand, makes book paper, but the same general conditions are applicable:

First. The price of pulp wood since I have been connected with this company has increased from \$4.75 to \$7.50 per cord piled in our yards. The cause of this rise has been from an extra charge for stumpage on the part of timber owners and the largely increased cost in labor, especially that class of labor required in driving down our river.

Second. The increase in labor cost at our mill and in our yards has been about 40 per cent (common laborers, from \$1.15 to \$1.65 per day).

Third. The price of soda fiber is lower now than it was for many years, up to the "panic of '93," when it declined in price, until it finally was sold as low as \$1.80 per 100 pounds, delivered at our customers' mills. The present price so delivered is \$2.40 per 100 pounds, or an increase of a little over 30 per cent from the lowest point reached during the hard times of 1893 to 1897.

And the same must be true of all paper mills, because they are all connected in these matters, and one must charge as much as the other as a rule. I wish to add here another extract from this letter, not directly applicable to what we are discussing, but collaterally of great importance:

While the sale of pulp for export has increased largely in the last five years (the amount before that period being very small indeed), yet practically no sales are made for shipment abroad until after the home market is fully supplied. These sales dispose of the surplus only, which accumulates because there is no other way to keep down the cost to a reasonable point, without running the mills night and day every working day in the year. This reduces the cost of soda fiber to the domestic customer as well as to the foreign buyer, and it is also a fact that the price at which soda fiber is sold in this country for export makes it cost the foreign mill owner much more than it does the owner of our domestic mills.

After sales are fairly well established in any foreign port, a reasonable profit is made by the American manufacturer; and to-day, so far as soda fiber is concerned (I can not answer for sulphite), we consider our foreign sales the best part of our business.

I want you to bear these things in mind. There is an increase in labor cost between 30 and 40 per cent, which is one-third of all that is paid out in the mill itself, and two-thirds, if you reckon all the labor that goes into paper, going back to the forest where the timber is cut.

What else have they done for the wage-earners in these pulp and paper mills? They have not only increased their wages during this period 40 per cent, but they have cut down the hours of labor 8 per cent more. That is not all. In 1906, a little over a year ago, the pulp and paper mills of this country got together and said that they would adopt a three-four shift. Paper mills, you understand, must run day and night. They can not be idle a moment, because only by so running can you cut down the manufactured cost and sell the article for what it is selling to-day. They said, "We will put on three shifts of men instead of two." They formerly worked them twelve hours a day. They now work them eight hours a day in the paper mills of this country. If you figure that up you will find the labor cost has thereby been increased 62½ per cent more. In other words, you have got, adding on the increase that they have actually made, without reckoning the decrease in the hours of labor (8 per cent), and taking the whole thing together, an increase in labor—that is, in the labor cost to the manufacturer—of over 75 per cent.

Mr. SABATH. How do you figure that?

Mr. TIRRELL. I can not stop to do it.

Mr. GLASS. Who is paying that?

Mr. TIRRELL. I decline to yield. The gentleman will have my speech in the Record, and he will have the privilege of studying it and writing over the country for information.

Mr. GLASS. I have all the information I want, but the gentleman will not let me ventilate it.

Mr. TIRRELL. I have spoken about the labor in pulp and paper mills, but a more important consideration than that is the price of wood. When I first became familiar with the business you could buy all the spruce wood you wanted for \$4.50 a cord. It now costs, the wood cut in the United States, \$7.50 a cord and upward, and that price has increased since 1893. Therefore you have in the cost of the raw material itself an increase of from 60 to 70 per cent. It is almost double,

and in some of the New York mills it is double. I would like to ask any fair-minded gentleman if you are going to increase the labor cost in mills to the manufacturer, where one-third of all that goes into that mill is labor, 75 per cent; if you are going to increase the cost of the raw material, as it has been increased in this country during this period of time to almost double—on a most conservative basis 75 per cent—and also take into consideration that everything else connected with a paper mill has had the same increase in cost that all other manufacturing establishments have had; then I want you mathematicians to sit down and figure up the labor cost, the wood cost, and the additional cost which is put into manufacturing paper in our pulp and paper mills, and as honest and fair-minded men say whether or not it has not more than doubled up the cost to the pulp and paper manufacturer, while the cost of his paper, which has been selling under the fierce competition of this country, has only increased 25 per cent from the lowest average price.

Mr. BURLERSON. They want to give you cheaper wood.

Mr. BONYNGE. The wood comes in free now.

Mr. TIRRELL. I think, Mr. Speaker, I have given all the facts which I desire, unless some time is granted, and I can answer questions of gentlemen on the floor.

The sum and substance and gist of the whole matter is this: Our pulp and paper manufacturers are manufacturing at the lowest possible price consistent with existence and a meager profit. They are selling in open competition with the markets of the United States, a competition as fierce as exists in any interest in this country. They are manufacturing better paper than is made anywhere else in the civilized world, and they can continue to furnish paper at less cost and beat the world in doing it, provided they are protected as they have been protected by the Congress of the United States in all the years of its history from the beginning of the Government, not by the imposition of a trivial tariff of 15 per cent, which in itself does not amount to anything, but in the retaliatory or countervailing duty attached to the paper or pulp schedules or some other commodity to protect this industry in our country and prevent cutting off the importation free of the raw material.

If there are gentlemen on this floor who wish to see that industry wiped out, who wish to throw out of employment tens of thousands of American wage-earners and have them walking and moaning on the streets; if they wish to see the smoke and fires extinguished in the 108 mills now in the State of New York and the mills of the West and the industry hampered so that it no longer becomes a factor in the commercial development of the country, then it is only necessary to take the ground which has been assumed by some gentlemen upon the other side, without, I think, regard to facts or evidence to pass these bills to wipe out the tariff on pulp and paper and give to Canada the power to pass prohibitive export laws and close the mills of the United States. I, for one, believe protection to this gigantic and important industry is as necessary as to sow the great prairies of the West with wheat. And I can not see, from my investigation, any other conclusion than when this matter comes up in future Congresses for investigation and determination, the important question will be not of tariff on the articles, but its protection on the lines that I have indicated. [Loud applause on the Republican side.]

Mr. LIVINGSTON. I now yield forty minutes to the gentleman from Illinois [Mr. RAINEY]. [Loud applause on the Democratic side.]

Mr. RAINEY. Mr. Chairman, in my efforts to entertain my friends on the other side of the House this afternoon, I want to take as my next text a little bill of four or five lines, which I have introduced, and which is pending now before the Ways and Means Committee. I send it to the Clerk's desk and ask that it be read.

The Clerk read as follows:

A bill (H. R. 16862) to place petroleum, crude or refined, and the products of petroleum, crude or refined, on the free list.

Be it enacted, etc., That petroleum, crude or refined, and the products of petroleum, crude or refined, of whatever kind or wherever produced, when imported into the United States shall be exempt from duty.

Mr. RAINEY. Mr. Chairman, I propose to vary this afternoon the usual order of things. I am not going to attack the Standard Oil. The popular thing at the present time is to make bitter attacks on the Standard Oil, when you can not think of anything else to do. When in doubt, make a speech against the Standard Oil or send some vitriolic message down from the White House against that corporation.

I hold here in my hand the President's message of January 31, 1908. It makes a little pamphlet of eighty-one pages; two-thirds of it at least is taken up with an attack on the Standard

Oil. The most of the message and the best portion of it is contained in the appendix, which was not written by the President at all. His secretaries, with remarkable industry, have gone through all the leading metropolitan papers and other papers also and have succeeded in finding all the articles that in any way criticised the judge who assessed a fine recently against the Standard Oil, and all those articles are incorporated here in this message. The effort made by the President is to prove that he is engaged in a most terrific warfare on the Standard Oil, and that the metropolitan press is against him and is criticising the judge who made that decision. My experience is that the people are not finding much fault with the \$29,000,000 fine recently assessed against the Standard Oil Company, and the President will be unable, even in a message as long as this, to create the impression that there is much of a fight on at the present time between the Administration and the Standard Oil Company. [Applause on the Democratic side.] As a matter of fact the Standard Oil has not paid the fine of \$29,000,000 recently assessed against it, and there has been no effort made to collect it. Like the revision of the tariff, the collection of the fine has been postponed until after the election. [Laughter and applause on the Democratic side.]

When the elections are held the Republican leaders hope, and the Standard Oil managers hope, that the revision of the tariff and the collection of the fine will both be in the hands of the friends of the protective tariff, and in the hands of the friends of Standard Oil. [Applause on the Democratic side.]

What we need from the White House at the present time is less attention to the creation of a large Ananias Club and more suggestions of real value. The ear-splitting detonations from the White House for the last two or three years do not seem to have had much effect. The projectiles fired from that quarter are not of the armor-piercing variety. The trusts are all doing business at the present time at the old stand. Not one of them has quit. No prosecutions are being started. The condition of the trust-busting industry is similar to the condition the friends of ship subsidies would have us believe our shipping industry is in. They say that the keel of no ship is being laid at the present time in an American shipyard. It is equally true that the foundations for no trust-busting suits are being laid at the present time in the Department of Justice.

I started over a year ago in the trust-busting business myself. I spent two or three months collecting evidence against the watch trust. I wore out two pairs of shoes making trips from my hotel to the Department of Justice. I called the attention of the Department of Justice to certain facts. I produced the names and addresses of witnesses. I produced the evidence. I went so far as to prepare a brief as to the law. I submitted it all, but the prosecution of the watch trust, like the revision of the tariff and the collection of the twenty-nine million dollar fine, have all been postponed beyond the election. [Applause on the Democratic side.]

Now, I am not going to abuse the Standard Oil, neither am I going to abuse my friends on the other side of this House. I want to talk this afternoon simply about the romance of oil, and incidentally the connection of the Republican party therewith.

Oil is produced in only a few places in the world. They produce some oil in Japan. They have produced it there from remote antiquity. They produce some oil in Roumania. They have produced it there for over a thousand years. They produce some oil in Austria-Hungary. They produce oil in small quantities in the Dutch East Indies, and they produce oil in the United States. But the great oil fields of the world are the Russian oil fields. The other fields, except those within the boundaries of the United States, do not amount to much and do not produce any considerable amount of the world's supply.

The Russian fields are the oldest, but until recently, and about the year 1896, they were not taken seriously. These fields were known in the days of Alexander the Great, and for over a thousand years oil was transported from the valleys of the Caucasus in buckets and tubs on mules and camels down the long desert trade routes to light the palaces and harems of oriental potentates. Some of the ancient cities around the Mediterranean were lighted with oil transported in this primitive way from the oil fields of Russia. The Russian oil field was known to oriental peoples for a thousand years as "the place of the eternal fires." The fire worshippers came there from far-away India. Their temples are still standing. Only twenty-five years ago the last of the Parsee priests, who presided in the temples of the fire worshippers, disappeared from that locality. But oil transported in buckets on mules and camels, Parsee priests, ancient temples, and fire worshippers

did not offer much competition for the Standard Oil, and did not attract much attention from that corporation to the Russian field.

But about the year 1896 the world commenced to find out about the Russian oil fields. For two thousand years that section, where the East and the West meet, had been deluged in blood. It was not an attractive field for the investment of capital. Geologists said that oil could only be found there at a comparatively shallow level—not deeper than 700 feet. But in the early nineties an English company, operating in a fertile valley of the Caucasus with modern drilling machines, penetrated the rocks to a depth of 1,500 feet, and the result was a great, gushing fountain of oil. They continued drilling in other directions and in other valleys, and everywhere there were produced great, gushing fountains of oil. There were 400 oil wells in operation in 1891, and in 1892 there were 900 wells in operation. Now there are over 2,000 wells in operation. But in 1892, when the Standard Oil was about to seriously consider the Russian fields, an outbreak of cholera occurred there and drove the workers away. Three years later, in 1895, they commenced slowly to come back and to go to work again, and the Russian Government commenced to build a railroad through the mountain ranges into the valleys of the Caucasus.

In 1896 they completed their pipe lines to the sea. At that time it was known in England and Germany that the great oil fields of the world were the Russian fields. The thing that frightened the Standard Oil Company the most was the fact that in the early part of 1896 fifteen or twenty modest-looking Russian gentlemen came to this country and, on foot, commenced to travel along the pipe lines of the Standard Oil Company, examining their pumping stations, getting from them ideas as to how the oil business ought to be conducted. The Standard Oil Company commenced to realize early in the year 1896 that if it was to retain its supremacy in the oil markets of the world it must protect itself at home from possible importations from the Russian fields. Like all great trusts which have become oppressive in their character, when threatened with real competition they rushed to the Republican party. [Applause on the Democratic side.] And the Republican party opened wide its arms and took this odorous trust to its bosom.

At this time the Standard Oil had entered upon its world-conquering career. Its pipe lines extending across mountain ranges had reached the sea. Great iron tank ships owned by the Standard Oil were plowing the ocean highways of the world, carrying its products to all quarters of the globe. It was in control of the home markets, and it had commenced to reach out for the markets of the world. In order to be successful in its foreign career it was absolutely necessary to keep out competition at home; therefore it applied to the Republican party. The real crisis in the history of the Standard Oil occurred in 1896; it was safely passed when the Republicans carried the elections. They kept their contract and enacted the Dingley law. The Standard Oil, the old-line insurance companies, and their allied interests bought you with sixteen million dollars, and you delivered the goods.

In 1897 and in 1898 the Trans-Caucasian pipe line broke down, and for two or three years the exportation of oil from the Russian fields fell off to a marked degree. The Standard Oil seized this opportunity to more firmly intrench itself in foreign countries.

Then followed the labor troubles in the Baku fields, and finally that great region was again drenched in the blood of contending factions; again different races and different religions clashed in that part of the world as they have been clashing there for a thousand years, and British and German capital fled from that region. Oil derricks were destroyed, and refineries were razed to the ground. But a new era has within the last twelve months opened up for the Russian fields. The workers are returning, the iron hand of Russian discipline has fallen heavily in that quarter, and the Russian Government agrees to maintain order there. German and English capital, at the invitation of the Government, is flowing back into that section. The Russian oil fields are again becoming important as a source of supply. The time has come, if you really want to furnish competition for the Standard Oil trust, to pass the bill I have introduced, strike out this proviso, and let the oil from Russia come in. You do not have the courage to do it—you dare not do it. The other protected industries do not love the Standard Oil, but every man who enjoys the benefit of protection is willing to be sheared himself if he may have the delightful privilege of shearing everyone else. You are obliged to maintain the Dingley tariff intact—every comma and every period in it. You dare not do that which the people almost universally demand. You are owned now,

as you always have been and always will be, by great corporations and the criminal trusts.

In 1896 there was a national campaign in progress. An honest man, backed by an honest party, was making a fight for a larger circulating medium and was making the old fight for the rights of the people. It became necessary to defeat him! You made the fight for the Standard Oil and the old-line insurance companies. You took the \$16,000,000 they gave you, debauched the electorate and won, and you kept your word.

When the Dingley law was framed you took care of the Standard Oil. You provided that for all time, or as long as the Dingley law remained on the statute book, Standard Oil should be protected from all competition from the Russian fields.

Section 626 of the tariff act of 1897 places upon the free list at least fifty-six kinds of oil, and I do not know how many more. It places on the free list all spermaceti and all other fish oils of the American fisheries. If I knew how many fish oils there were I would know exactly how many oils are placed on the free list by the Dingley law. There are at least fifty-six, and to that number is to be added the number of fish oils manufactured. Orange oil is placed on the free list; olive oil is placed on the free list. Notwithstanding your alleged anxiety to protect the shipping industry from foreign competition, you placed upon the free list spermaceti, whale, and all other fish oils; and the man who goes out to sea on an expedition to bring back to this country the material out of which to make these kinds of oils, goes out knowing that the Republican party is not protecting him at all. Finally, and last of all in this list, you put on the free list petroleum, crude or refined, and then add to it this proviso, which applies not to the other oils, but only to petroleum, crude or refined, or its products:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such case be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?
Mr. RAINEY. I will.

Mr. CAMPBELL. I take it from the examination the gentleman has made into the oil industry of the country that he has extended his inquiries into the protection the Democratic party gave to the Standard Oil Company in the Wilson bill.

Mr. RAINEY. Yes.

Mr. CAMPBELL. I will read—

Mr. RAINEY. I object to the gentleman's reading; I can read it if I want to. I will come to that.

Mr. CAMPBELL. It is exactly the same language that the gentleman read from the Dingley law.

Mr. RAINEY. Is it? I will let the gentleman read it.

Mr. CAMPBELL. Section 5 of the Wilson law says:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall be levied, paid, and collected on said crude petroleum or its products so imported 40 per cent ad valorem.

Mr. RAINEY. Yes, a very different thing from the Dingley Act. [Applause on the Democratic side.] It is not the same thing at all.

Mr. CAMPBELL. It is different in that it imposes a higher duty.

Mr. RAINEY. It is not the same thing at all, and I take issue with the gentleman from Kansas when he says that it imposes a higher duty; he shows that he has not been a student of the question of petroleum. [Applause on the Democratic side.]

The law of 1897 imposes as much duty on importations from Russia as is imposed in Russia upon importations from the United States, and I want to show now, in answer to the gentleman, how much duty is imposed in Russia on oil that might be brought there from the United States.

I have here a letter from the Treasury Department, with certain exhibits attached, on this question, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 31, 1908.

Hon. HENRY T. RAINEY,

House of Representatives, Washington, D. C.

SIR: Replying to your letter of the 25th instant, requesting certain information regarding the rate and amount of duties chargeable on petroleum and petroleum products imported into the United States from foreign countries, I inclose herewith copies of Department's rulings of January 3, 1906 (T. D. 26961), and those of March 2, 1906 (T. D. 27170). In answer to your inquiries Nos. 1 and 4. I desire to state that the authority for the assessment of duties on petroleum and petroleum products is found in the closing proviso to paragraph 626 of the free list of the act of July 24, 1897. As the remaining inquiries of your letter have reference specially to statistical matters

regarding the importation of petroleum and petroleum products, your letter has been referred to the Secretary of Commerce and Labor with a request that a reply be forwarded to you as to those inquiries.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

(T. D. 27170.)

Paraffin—Countervailing duty.

Under the proviso to paragraph 626, tariff act of 1897, the duty on paraffin manufactured in Germany from crude petroleum produced in Russia is at the rate of duty imposed by Russia on paraffin imported into that country from the United States.

TREASURY DEPARTMENT, March 2, 1906.

SIR: Your attention is invited to the decision of the United States circuit court of appeals, second circuit, of January 10, 1906 (T. D. 27025), wherein it is held that your decision was correct in assessing countervailing duty upon certain paraffin, manufactured in Germany from crude petroleum produced in Russia, at the rate imposed by Germany on paraffin imported into Germany from the United States.

The merchandise the subject of this suit was entered and the duties liquidated at the German rate on paraffin before the Department's decision of July 12, 1904 (T. D. 25457), was promulgated, wherein it was held that products manufactured in one country from crude petroleum produced in another country should be assessed with duty at the rate imposed by the country of origin of the crude petroleum upon similar products imported into that country from the United States, and not at the rate levied upon crude petroleum imported into such country from the United States.

As neither the Board of United States General Appraisers, the United States circuit court, nor the United States circuit court of appeals had before it for consideration the correctness of the Department's construction of the proviso to paragraph 626, you are hereby instructed to follow T. D. 25457 to the end that a judicial determination of the Department's construction may be had.

Respectfully,
(14951.)

JAMES B. REYNOLDS,
Assistant Secretary.

COLLECTOR OF CUSTOMS, New York.

CUSTOMS.

(T. D. 26961.)

Duty on petroleum and petroleum products.

Rates of duty imposed by Russia on petroleum and products of petroleum imported from the United States.

TREASURY DEPARTMENT, January 3, 1906.

SIR: Referring to Department's circular No. 113 of November 20, 1905, I have to advise you that the Secretary of State transmits, under date of the 29th ultimo, information received from the American ambassador to Russia from which it appears that the rates of duty imposed by that country on petroleum and products of petroleum imported from the United States are as follows:

"Black crude naphtha and all unpurified naphtha, 30 copecks per pood.

"Liquid products from the distillation of naphtha (kerosene, photolene, paraffin oil, grease, naphtha ether, gasoline, ligroin, benzine, etc.), 1 ruble 80 copecks per pood.

"Paraffin, 3 rubles 31½ copecks per pood gross weight.

"Vaseline (other than refined), same.

"Candles, of all sorts, 5 rubles 4 copecks per pood."

Respectfully,
(14951.)

JAMES B. REYNOLDS,
Assistant Secretary.

COLLECTOR OF CUSTOMS, New York.

Upon refined petroleum imported from Russia, according to the statement I have just read, there must be collected a tariff duty of 1 ruble 80 copecks per pood, because that is the duty levied in Russia upon oils imported from the United States or from anywhere else to Russia—1 ruble 80 copecks per pood. The Treasury Department has never had occasion to figure out just exactly what this means, because none of it has ever been brought here. The law operates so as to absolutely exclude petroleum. One ruble contains 100 copecks, and 1 ruble is worth in our money about 51 cents. A pood is a Russian measure of weight and amounts to 36 pounds avoirdupois. If the gentleman will take the trouble to figure out the specific gravity of petroleum, as I have done, he will find that 6.11 gallons of crude oil at 61° Fahrenheit make 36 pounds avoirdupois, or a Russian pood. If the oil is refined it is a little lighter, but in round numbers 6 gallons of oil make a Russian pood. Therefore Russia imposes upon oils imported from the United States a tariff of at least 15 cents a gallon, perhaps a little more. Then, under the Dingley law, and under this proviso of such great advantage to the Standard Oil Company, if any oil were brought into this country from the only other oil region in the world worth speaking of, it would be taxed when it came to our ports at least 15 cents a gallon. Now, is there not a difference between 15 cents a gallon and 40 per cent ad valorem? Fifteen cents a gallon is just about three times as much or a little more than three times as much as 40 per cent ad valorem. [Applause on the Democratic side.]

But I am not surprised to hear somebody on the other side defend the Standard Oil Company. No matter how nefarious a trust is, no matter how it is denounced, no matter how great a lawbreaker it is, you can always find some man on that side of the House ready to rise in his seat and defend it. [Applause on the Democratic side.] In Russia they have two things which serve to demonstrate the fact that they are just emerging from barbarism—an infamous prison system and the

protective tariff. [Applause on the Democratic side.] God grant that the fight going on there now—the moral upheaval and the movement for freedom—may soon release that country from both these curses. [Applause on the Democratic side.]

There is an honest and capable man at the head of the Bureau of Corporations, and he has very recently prepared this report which I have here on the petroleum industry—a book of something over 900 pages—a report not prepared in the interest of the advocates of the protective tariff. Herbert Knox Smith has given the facts in this book, and he shows in tables he has prepared the enormous price differences the Standard makes in this country, as compared with the prices it makes abroad. I am not going to read these figures, nor even to print them in my speech, but I want to read some of the conclusions Commissioner Smith reaches from the tables he has so carefully prepared, and I read now from page 427 of this publication:

The policy of the Standard Oil Company in charging much higher prices to the domestic than in the foreign trade is an injustice and an injury to the American consumer, which is not compensated for by any material advantage to American producers of crude oil or to American labor.

Now, some man get up on the other side and defend the Standard Oil when I am through. [Applause on the Democratic side.]

It is not so much the low prices in foreign markets as the exorbitant prices in the domestic market which require condemnation.

And I want to say now that the tables printed in this book show that the Standard Oil makes a difference of 5 or 6 cents a gallon on an average right along between its home price and its New York export price for oil. In this country during the recent years when the products of the Standard Oil refineries were constantly going up the same products 3,000 miles away on the continent of Europe were continually going down.

It is probable that prices in some of the foreign markets during part of the time from 1903 to 1905 were absolutely unprofitable. This furnishes, however, no excuse for the great advance in domestic prices. American consumers of petroleum might, for the sake of securing and retaining markets for the products of American industry, be willing to pay prices high enough to enable the Standard temporarily to sell oil abroad at cost, or even a little below cost, and yet make a moderate profit on its combined sales in both foreign and the domestic markets.

American consumers ought not, however, to be expected to pay prices so exorbitant that when the Standard sells half of its products abroad for little or no profit, or even with a loss, its aggregate profits on domestic and foreign sales combined amount to 60 per cent a year on its capital stock, as was true in 1904 and 1905. (See Chap. XIII, Table 152.)

[Applause on the Democratic side.]

Some difference between the domestic and foreign prices might be tolerated, but such enormous differences as have existed, taken in conjunction with the excessive profits of the Standard, are clearly indefensible. If the object of the Standard had been merely to create a market for American products, it could have considerably increased the consumption in the United States by reducing prices to a reasonable level.

Now, I ask permission to insert in my speech at this point four or five other excerpts about as long as this from the comments of Commissioner Smith on the Standard Oil industry, without reading them now.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears no objection.

Mr. RAINEY. The excerpts are as follows:

CHAPTER IX.—GENERAL CRITICISM OF EXPORT POLICY OF STANDARD OIL COMPANY.

SECTION 1.—INTRODUCTION.

It has been shown in the preceding chapter that the Standard Oil Company has, especially during 1904 and 1905, sold illuminating and lubricating oils abroad for very much less than the domestic prices. Before a final criticism may be made as to the Standard's export policy, it is, however, desirable to consider in addition to the prices certain conditions which have affected the foreign and domestic trade, respectively. The Standard Oil Company and its apologists have very frequently pointed to the enormous export business of the Standard as an evidence of the benefit of the concern to the country in furnishing an outlet for the products of American oil wells and American labor. It is often argued that the expansion of the export trade, or even the retention of it in the face of competition from foreign oils, necessitates at times the sale of products abroad at lower prices than in the United States. Apart from the question whether it is to the economic advantage of the people of the United States that domestic consumers should pay excessive prices for oil products in order to permit an increase or to prevent a decrease in the exportation of such products, there are certain considerations which show that the Standard Oil Company in its export policy has been actuated not by a desire to promote the interests of American crude-oil producers or of American labor, but solely by a desire to maintain and increase its control of the oil trade.

In 1902 began distinctly that disparity in movement between domestic and foreign prices which became so conspicuous in 1903. The domestic production increased somewhat over 1901, and this, together with a considerable decline in exports, increased the amount remaining for domestic consumption very considerably. The foreign production increased moderately, but the exports from the four principal foreign producing countries were less in 1902 than in 1901, and the total exports from these countries and the United States combined decreased more than 4 per cent. Notwithstanding this increase in the available domestic supply and decrease in the available foreign supply,

the domestic price advanced and prices in export markets declined. Though the price changes were comparatively small, they appear to have been abnormal.

SECTION C.—GENERAL CONCLUSIONS AS TO STANDARD'S FOREIGN POLICY.

The preceding analysis of the price policy of the Standard Oil Company in the export trade during recent years, as compared with its price policy in the domestic trade, shows two conspicuous facts. In the first place, while the prices of illuminating oil in the principal foreign markets have for years been relatively lower than the prices in the United States, this disparity became especially conspicuous during the years 1903, 1904, and 1905. During those years the domestic prices stood at a much higher level than for many years before, while prices in the principal foreign markets, particularly in 1904 and 1905, were sharply reduced, with the result that the average price in leading foreign markets, like the United Kingdom, Germany, and the Orient, stood at times from 2 to 3 cents below the average price in the United States, transportation costs, difference in quality of oil, etc., being taken into account.

The real reason for the entrance of the Standard into these foreign fields is its desire to get its products as cheaply as possible and its desire to maintain its dominant position. If the Standard can get supplies of petroleum products at various points throughout the world, it can save in transportation charges. Moreover, if the Standard could acquire a dominant position in the production or the refining of petroleum in those foreign countries which are now or are destined to become the principal exporters, aside from the United States, its control of the oil trade of the world would be more effectively assured. The Standard's one object is, evidently, to increase its control of the oil trade, regardless of its effects on the demand for products of American oil wells and American labor. Foreign governments, however, are well aware of the monopolistic tendencies of the Standard. In the Dutch East Indies and Burma the governmental authorities have prevented the Standard from getting a foothold, while in Roumania they have adopted measures to keep it from effecting a monopoly of production or of transportation of crude oil.

The practice of selling American products abroad at lower prices than in the domestic market is sometimes defended as a temporary expedient when there is a falling off in the home consumption. Under these conditions the practice may enable the manufacturer to keep his works in operation at full capacity, preventing hardship to his employees and derangement of the industry generally. Such a temporary exportation at low prices, however, is entirely different from the situation in the petroleum business, where from the beginning of the industry there has been an enormous export trade. American illuminating oil is indispensable to foreign consumers. Moreover, the marked reduction of prices abroad during 1903 to 1905 was not attributable to any decline of consumption in the United States.

Again, the practice of selling products abroad for lower prices than are charged at home is sometimes defended by the argument that the increase in the total volume of business which is thus made possible reduces the cost of manufacture per unit so greatly that the domestic price, though higher than the foreign price, may yet be lower than would be possible in the absence of the export trade. This argument, again, has no application to the petroleum industry. Particularly from 1903 to 1905 the excess in the domestic price of illuminating oil, as compared with the prices in the leading foreign markets, was much greater than the entire cost of pipe-line transportation and refining. It is obvious, therefore, that whatever small reduction in the cost of operation may have been attributable to the existence of a large foreign trade, the domestic consumer got no advantage from that reduction in cost.

The substantial monopoly which the Standard possesses in most parts of the United States, and the immense profits which it derives therefrom, largely furnish the sinews of war for conflicts in foreign countries. In the long run it is true that the Standard practically makes the people of the United States very largely bear the cost of its policy of domination in the world's markets.

The Treasury Department by its rulings can be depended upon always to add something to the stringency of the Dingley law. The proviso to which I have called attention has been construed so as to prevent the importation of the products of petroleum into this country from other countries, provided the crude petroleum originally came from Russia. Some time ago they attempted to import the products of crude petroleum from England to the United States, but the Treasury Department rushed to the protection of the Standard Oil and prevented it. The ruling of the Treasury Department, to which I have called attention, shows that it is impossible to import into this country from Germany paraffin, vaseline for manufacturing purposes, or candles made from crude petroleum which originated in Russia. The products so sought to be brought to this country are manufactured by citizens of Germany and belong to citizens of Germany, but Germany does not produce the raw material used in the manufacture of these products. Germany depends upon Russia for that, and Russia has a protective tariff affecting petroleum, as I have stated. Why further protect the Standard Oil and make possible these tremendous dividends by rearing a tariff wall under this proviso in the Dingley law against the products of petroleum that may come from Germany? Of course there is no demand for crude petroleum. The ordinary consumer has no use for the raw material, he simply wants the manufactured product; and under this law and under a Republican Administration the Treasury Department throws its protecting arm about the Standard Oil and says to Germany, "We will not permit you to interfere with this infant industry of ours."

The way to fight the Standard Oil is not to issue messages from the White House against it. [Applause on the Democratic

side.] That is a bluff, as these messages usually are. I learned early in life how to conduct a Fourth of July celebration and entertain your audience. You must keep always a rocket exploding in the air; they will never notice the falling sticks. [Applause on the Democratic side.] That is the policy pursued in the White House at the present time. [Applause on the Democratic side.] Every day some new rockets explode in the air and until now the people have not commenced to notice the falling sticks. [Applause on the Democratic side.] If the President really has a grievance against the Standard Oil Company, if he really thinks it ought not to collect every year and divide profits amounting to 60 per cent on its capital stock, he can furnish some sort of competition for the Standard Oil and cut down its profits by simply sending a message here advising the Congress to put petroleum and its products on the free list. [Applause on the Democratic side.]

But you can not do it and keep your contract—the contract you made in 1896 when they were pouring their money, they and their friends, into the coffers of the Republican party until you had accumulated a corruption fund of \$16,000,000. [Applause on the Democratic side.] That promise is not yet barred by the statute of limitations. [Applause on the Democratic side.] Whenever you make a contract with a particularly objectionable and nefarious trust—one which is universally admitted to be such—you invariably keep it. You dare not now pass this bill or any bill like it.

You are starting out in this campaign to make of it a campaign of bluff—simply that and nothing more. [Applause on the Democratic side.] The Republican party proposes always to do a good many things after the election. If the returns show that they have a majority again in both Houses and have the Executive, then they say: "Our policies have been approved by the people; there is nothing else for us to do." [Applause on the Democratic side.] At the present time a new method has been devised by the Republican party to still further postpone the revision of the tariff, and they are beginning to announce themselves as being in favor of a tariff commission, the commission to be composed of experts and selected by the Republican managers, if they can carry the election this fall. The Republican idea of a tariff expert is a man who is either in favor of maintaining schedules just as they are or revising them upward. [Applause on the Democratic side.]

Any man who advocates a different theory than this would not be a tariff expert, according to the Republican standard. He would be a visionary dreamer—unsafe and unsound. [Applause on the Democratic side.] And so, if they succeed in carrying the election again this fall, they are commencing to promise that they will give us an expert tariff commission to consider the tariff question, and they hope in this way to fool the people again.

We have been able to withstand three great defeats, and at the present time the Democratic party presents a united front to the enemy. You could not withstand three great defeats. You have not been able to stand three victories. [Applause on the Democratic side.] To-day your party is divided as it never has been before in its history. Why, you do not know who you are for for President [applause on the Democratic side] not a single man on the Republican side of this House. If there is anybody there who does know who he is for he is wise enough to keep still and say nothing about it. Occasionally you find a man from Illinois who says he is for the Speaker, and it is the wisest thing in the world to do that. If you are from Illinois, you can say to all the other candidates and their friends "We have got a candidate in our own State and therefore we have to be for him. If we did not have a candidate there, then we might be able to help you out."

You can find a few men from Indiana who will say they are for an Indiana candidate, but a great mass of candidates is accumulating, and troubles are in store for the Republican party. Already from the direction of Florida is approaching a dark cloud. [Applause on the Democratic side.] Down there we are told that ten or a dozen officeholders in the State of Florida got together and held a convention and all the negroes—and the negroes are the Republican party of the Southern States—got together and held another convention, and there are going to be contesting delegations from the State of Florida.

And you will probably square the matter, as you usually do, and keep solid with the negro vote in the North by admitting both delegations, with half a vote each. The other day in the State of Ohio you had snap primaries in order to get the State for Mr. Taft. About 10 per cent of the Republicans went to the polls and voted, and the others stood aside in sullen silence. They propose to hold another convention, and there will be contesting delegations from the State of Ohio. Are you going

to admit them with half a vote each? Already anti-Taft delegates are being selected in the State of Missouri, and your troubles have only started. You have not enough courage on that side to say you are for the Speaker, because that means the end of White House dinners this winter for all of you. [Applause on the Democratic side.]

And you have not enough courage to say that you are for Taft, because that might interfere with your committee assignments, and so you remain quiet over there, without any backbone at all, and simply stand for nothing except the jobs you hold at the present time. [Applause on the Democratic side.] There is only one man in the Republican party who is spoken of as a candidate who really represents anything, and he represents money and the negroes, and that is Senator FORAKER. There would not be much of a Republican party in this country if it were not for the contributions from the trusts and if it were not for the negro vote. There are 32,000 negroes of voting age in the State of New York; there are 19,000 negroes of voting age in the State of Indiana; there are 32,000 of them in Ohio; there are 29,000 of them in Illinois, and I might go through all these other Northern States that at times are considered doubtful. They would rarely be Republican States if it was not for the negro vote. You must take care of the negro vote, and you can not do it when you turn down FORAKER. If you do turn him down, if you do not nominate him—and he is the only man that is making a real fight for anything except the nomination—it will be necessary for you to buy every negro north of the Mason and Dixon line in order to get them to vote the Republican ticket. The President is drying up your sources of income from the trusts, and you may be without the money to do it. The Republican party making a campaign without money and without negroes would present a pitiful spectacle in this country. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. I ask for ten minutes more.

Mr. LIVINGSTON. I will have to take the time from somebody else. But I will risk it and give the gentleman ten minutes anyway.

Mr. RAINEY. The Democratic party is the white man's party in this country—in the North as well as in the South. [Applause on the Democratic side.] We have been able to make it a white man's party in the past, and we do not care how long it remains a white man's party.

We have been having a period of prosperity for twelve years, and for longer than that, in this country. For twelve years the sun has been shining when it ought to shine and the rain has been falling when it ought to fall, and men have been toiling on the farms of the West and in the workshops of the East and have been producing wealth as they never produced wealth before. This has not been a period of overproduction either, because until the last few months they did not have enough railroad cars in this country to move the crops from our Western farms and take back to the West the products of the East. Only last winter, so far were we from a period of overproduction, they did not have cars enough to carry coal to the men in the Northwest and their families who were freezing to death.

But all at once, after twelve years of this kind of prosperity, when the Republican party is still in power, entrenched as it never was before in its history, the wheels of commerce stopped. All at once from every direction there came the crash of failing banks. To-day in the streets of our large cities men are begging for work, women are begging for bread, and children are starving. When periods of depression have occurred before you charged them always to the party in power. Does the argument hold good now? [Applause on the Democratic side.] You have educated the people for twelve years to believe that prosperity depended upon one thing, and upon one thing alone, and that was the retention of the Republican party in power; and they have taken you at your word and have rolled up tremendous majorities in order to be prosperous and happy and in order to enjoy the plenty you promised them. What excuse are you going to make now? You charged us in 1896 with standing for a dollar that was worth only 50 cents. And yet a few days ago there was circulating in the country millions and millions of dollars' worth of certificates having back of them nothing but the fiat of a bank. I do not know how many of these certificates are still in circulation.

We made the fight for more money in 1896. You carried the election, but we won the fight. In 1896 we had a circulating medium of about \$21 per capita; and now, with a population many millions larger, with a population of 87,000,000, according to the last statement issued by the Treasury Department we have a circulating medium of \$35 per capita; and so thoroughly did we convert you to our idea in 1896 that to-day you are

clamoring for millions and millions of dollars more. [Applause on the Democratic side.] We made the fight in 1896, the old fight, for the people. We followed it in later campaigns with a fight for free men in the islands of the seas. To-day we turn from the fight for free men in the islands of the seas and commence the fight for free men at home [renewed applause on the Democratic side]; and whenever there is no great party in this country willing to take up that fight and to continue it, then will "government of the people by the people and for the people" fade from the earth. [Applause.] We stand to-day by our guns, as we always have, training them upon the enemy, facing the direction from which the greatest danger comes. We are getting ready to make, in the approaching campaign, the old fight against special privilege, and to continue the old battle for the rights of the common people. We await the result with confidence. Now, I yield back my time, if I have any left. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Massachusetts [Mr. TIERRELL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. LIVINGSTON. Mr. Chairman, how much time have I got?

The CHAIRMAN. The gentleman from Georgia has twenty-seven minutes remaining.

Mr. LIVINGSTON. I yield twenty minutes to the gentleman from Minnesota.

Mr. HAMMOND. Mr. Chairman, eighteen months have passed since duly chosen delegates to certain State conventions, Democratic and Republican, upon deliberation, declared in their platforms that the then and now existing tariff schedules ought to be revised and that their revision should be effected at once.

When these declarations were made the delegates to the conventions and the people who sent them knew that the first session of the Sixtieth Congress would begin on the first Monday of December, 1907. They knew also that in the following year there would be a Presidential election, but their knowledge of these things did not deter them from making such pronouncements. It may be assumed, then, that the people of the States, where such conventions were held and such declarations made, were of the opinion that the needs of the country demanded a readjustment of the tariff rates, and that such readjustment was of greater importance to the country as a whole than any possible effect it might have upon the political situation; that it was better that the welfare of the nation should be promoted, even at the cost of introducing an element of uncertainty into the political contest, than that the people of the country should suffer unfair and unequal burdens in order to prevent new questions arising on the eve of a Presidential campaign.

Before this Congress assembled it was quite generally reported through the newspapers that the tariff law would not be revised or modified during the long term. Evidently some one, or some body of persons, assumed the power to determine what should be done and what should not be done by Congress, and it begins to appear that the assumption was justified.

The Members of this body, chosen by the electors of their respective districts and delegated to represent those districts in matters of legislation, desiring to serve those whose interests they do represent, have introduced bills in great number looking toward the revision of various schedules of the tariff law. Presumably these bills have been introduced in good faith and in response to the instructions of many of the voters of the country who send representatives to this House. In a country like this, boasting of its free government and of the rights of all its citizens and of the equal opportunities afforded to all, it might be expected that some of these bills would be advanced far enough to engage the attention and secure the consideration of all the Members of the House, and after a proper investigation and reasonable debate be passed or be rejected, as to all the Members of the Congress seemed most advisable. And yet it is an open secret, or perhaps no secret at all, that these bills affecting tariff schedules are not to come before the membership of this House, either for passage or even for debate. Congress itself has not determined this matter. The bar interposed is found neither in the Constitution nor in statute law, but some one has assumed the right to decide upon the advisability of these measures and to determine whether or not the Members of Congress may pass upon them. [Loud applause on the Democratic side.]

In his message of last December President Roosevelt said:

There should be no tariff on any forest product grown in this country; and, in especial, there should be no tariff on wood pulp; due notice

of the change being of course given to those engaged in the business so as to enable them to adjust themselves to the new conditions. The repeal of the duty on wood pulp should, if possible, be accompanied by an agreement with Canada that there shall be no export duty on Canadian pulp wood.

A committee of the National Editorial Association, representing some ten thousand daily and weekly newspapers of the United States, petitioned Congress to remove the duty on wood pulp, printing paper, and material entering into the manufacture of printing paper. The Government Forester, after an extensive tour of inspection, declared that "in twenty years the timber supply in the United States on Government reserves and private holdings, at the present rate of cutting, will be exhausted, although it is possible that the growth of that period might extend the arrival of the famine another five years."

It is estimated that the forest area of the United States is from 500,000,000 acres to 700,000,000 acres, and about one-fifth of this area is made up of Government reservations.

The annual growth of our forests does not exceed the amount of wood used for lumber alone, and the annual consumption of wood is probably three times the annual growth.

It is claimed, and no doubt it is true, that an area as large as the State of Rhode Island is devastated every year by the paper manufacturers.

In view of these facts, is there any good reason why legislation looking to the removal of the duty on wood pulp and on print paper ought not to be considered now? Is not the power that can deny to Congress the right to legislate upon these matters too great a power to be exercised by any one man or by a coterie of limited number?

These are important facts and these demands are earnest demands. They deserve a better answer than that given upon this floor not long since by a distinguished member of the Ways and Means Committee, who said, in substance, that these duties should not be removed without deliberation and a full examination of all matters connected with them, and then, laughingly, brushed the whole subject aside by calling attention to one bill for the removal of these duties in which, through an error of a stenographer, "white" paper was written instead of "print" paper. [Applause.]

No one has asked that these duties be removed without opportunity for full deliberation and a careful consideration of all questions connected with their removal, but Congress has been asked to deliberate upon these things, to examine them, and to decide whether or not these tariffs should be maintained for the benefit of the International Paper Company and the Association of Western Paper Makers, recently known as the "General Paper Company" and prosecuted by the Federal Government and compelled to disband.

On January 7 of this year the market price of the grade of paper used by the Minneapolis Tribune was \$52 a ton. Until recently that grade of paper was purchased by the Tribune for \$38 a ton. It consumes approximately 6,000 tons of paper per year. At \$38 a ton its print-paper expense approximated \$228,000 annually, while at the rate of \$52 a ton it will be \$312,000 a year, an increase of \$84,000 a year. But that is not the end of the story. The publishers were unofficially notified of a probable still further increase of \$10 a ton during the current year.

Of course this great increase is not directly due to the imposition of the tariff tax, which is, I believe, 30 cents per hundred, or \$6 a ton. The paper trust and the paper association know how to take advantage of a tariff rate as well as the other trusts and monopolies. If a foreign competitor is attracted to the markets of this country by the high prices obtained from purchasers, and establishes agencies, offices, and all the necessary adjuncts of a permanent trade, at no inconsiderable expense, the price of print paper will go down. With \$6 a ton advantage over the foreign paper maker, our manufacturers, who make their paper with just a little expense, can sell at a profit of \$5 a ton, and force the outsider, who pays \$6 to enter the market, to sell at a loss of \$1 a ton in order to meet their price. No wonder the territory is not invaded, but left to the control of the overcapitalized companies exploiting it and fattening on the high prices paid by the purchasers of print paper.

Yet the tariff must be let alone. This condition must continue. It is almost an offense to criticize it. This year there will be a Presidential election. Then will follow the short term of Congress. No time for revision. Then, unless an extra session be called, another election—a Congressional election—will be approaching, and the reasons for postponing tariff revision now may, with equal force, be urged then. [Applause.]

In the Indianapolis News, under date of January 6, appeared the following:

Speaker Cannon will not consent that a bill for a straight repeal of the duty on ground-wood pulp and on print paper shall come out of his Committee on Ways and Means; and all the stand-patters hold up their

hands in holy horror at the thought of "precipitating a tariff debate in the Senate" by handing to that body such legislation by the House. If there is any hope at all it is along the line of legislation removing the duty on print paper only.

Recently the gentleman from Wisconsin [Mr. KÜSTERMANN] told us how the Standard Oil Company obtained protection under the provisions of the Dingley-Aldrich law. Approximately one-half of the world's production of petroleum comes from the United States; nearly an equal amount is produced in Russia, and a comparatively small amount by all the other countries in the world. Eliminate the Russian competition and all outside competition worth mentioning is eliminated.

Russia imposes a duty upon petroleum, and because of that fact petroleum coming to this country from Russia is subject to a tariff tax under this clause of the law:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

But the edict has gone forth that the tariff must be let alone. You may censure the Standard Oil Company as much as you please; condemn it because it suffers no competitor to thrive within this broad domain; prosecute it in the Federal courts; denounce it from the public platforms, but when it comes to a removal of the tariff tax behind which it shields itself from competition, and by aid of which it maintains the monopoly of which you complain, then the powers that be, beaming with patriotism and consumed with love of the plain people cry, "Hands off."

It will not do to disturb any tariff schedule prior to a Presidential election. [Applause.]

For good and sufficient reasons there has been no attempt to disturb this particular provision since the enactment of the tariff law a decade ago.

The gentleman from Wisconsin might have gone further in his investigations. He might have pointed out that bituminous coal imported into this country is subject to a tariff tax of 67 cents a ton, that anthracite coal apparently is admitted free of duty. He might have found another clause in the law very like the petroleum provision that attracted his attention and which he termed a "little joker."

Paragraph 415 of Schedule "N" reads as follows:

Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel.

No doubt there is anthracite coal which is nearly pure carbon, but I fancy very little anthracite coal mined out of the United States, which, by any likelihood, may be imported into the United States contains more than 92 per cent of fixed carbon.

But it is an unnecessary and useless labor to investigate too curiously, for has it not been settled that Congress shall not legislate upon the tariff at this session?

Prices of lumber have been abnormally high, and the builders in the farming communities and in the cities have deplored the increased cost of building material. They are told that a tariff of \$2 on a thousand feet of lumber does not affect the price at all; that purchasers of lumber in Canada and elsewhere have to pay just as much for it as purchasers in this country pay; that the imposition of this tax has no effect whatsoever upon prices, and that it does not enable the owners of the lumber supply to charge any more than they would charge if the tax were removed.

Why, then, retain it? If the high price of lumber is due to a great demand and a limited supply, and competitors from abroad can not and will not bring lumber here and sell it for less than the market prices of to-day, and if the tax does not enable the owners of lumber to obtain more for it by keeping out this foreign competition, then let the tariff be removed. If its removal will lessen the price, surely a long-suffering people ought to be relieved of an unjust burden. If it will not affect the price because the demand exceeds the supply, then its retention can not be of any benefit to the lumbermen. It appears that this tariff tax is either unjust or useless, and in either case it should be cut out.

In the Twelfth Annual Report of the Forestry Commissioner of Minnesota this statement is found:

I have been at pains to ascertain how much lumber the average farmer in Minnesota who opens up a farm of 160 acres would require for the construction of his farm buildings, including his dwelling, barn, and other necessary buildings, such as shelter for his implements, and find that it would be 30,000 feet, board measure. Also that the average cost of such lumber at present is \$30 per 1,000 feet, amounting in all to \$900. Now, this is the amount and value at present prices of the lumber required by the average farmer.

In calling attention to these particular commodities, it is not intended to attempt a complete statement of all the reasons for the removal of the tariff duties upon them, but, very briefly

to present what may be termed a "prima facie case." If there are reasons, and good reasons, why the duty on print paper and wood pulp, and the duty on coal, and the duty on petroleum, and the duty on lumber should be retained, then, undoubtedly, this Congress, after hearing those reasons and being convinced by them, would not remove such duties. On the other hand, if, in justice, they should be removed, then they would be stricken from the statute.

These questions are important enough to receive consideration. They affect the property of millions of Americans whose representatives are here, and they have the right to say to us, "Devote yourselves to these things and report your conclusions to us. Do not evade the responsibilities that rest upon you. Let the issues be fairly met. Let a record be made."

At the next election not only will a President be chosen, but Representatives to the Sixty-first Congress will be selected, and the people have a right to know whether the candidates seeking their votes favor a removal of unjust tariff rates or their maintenance. [Loud applause on the Democratic side.]

It is said that there is insufficient time to take up the tariff law and examine all its schedules. There is time to take up the tariff duties on articles and things like those to which reference has been made, and many other classes of goods manufactured in this country and controlled by trusts and combinations seeking to monopolize the trade. The protective laws were first enacted for the purpose of building up competitive markets here at home at that time without domestic manufactures. Our home market then was at the mercy of foreign manufacturers who could ship their merchandise here and in fixing their charges take advantage of the lack of domestic competition. It was believed that by means of tariff taxes manufacturers here would be encouraged to produce American-made goods and put them in the American markets and there compete with goods coming from over the seas. The protective tariff was not designed to serve as a shelter for trusts and a shield for monopolies. The beneficiaries of these laws enacted to aid them have in many cases taken advantage of them to crush competition. They have used the weapon so generously provided by the American people against that very people.

The representatives of the people have higher duties to perform than to play politics and to plan for the future of political parties. The foremost leaders of both the great parties stand for the people and against the interests and systems and combinations and associations and corporations that have been plundering them. Patriotic men may, at this time, be less mindful of political campaigns and partisan advantages and more concerned with the efforts of a people to rid themselves of the burdens imposed on them by overfed trusts and monopolies.

Is not there time for the consideration of those tariff schedules that affect commodities that monopolistic concerns trade in? The Dingley bill, which its friends have denominated a magnificent piece of tariff legislation, was completed in less than four months.

The President in his message, to which reference has been made, referring to a general revision of the tariff law rather than a change of particular items, says:

The subject can not with wisdom be dealt with in the year preceding a Presidential election, because, as a matter of fact, experience has conclusively shown that at such a time it is impossible to get men to treat it from the standpoint of the public good.

This is rather a severe arraignment. Is it possible that this Congress can not take up the tariff schedules at this time and treat them from the standpoint of the public good? [Applause.] If it be so, then the electors of this country ought to send men here who at any time can take up important questions—questions that ought to be solved at once—and treat them from the standpoint of the public good. There must be some men in this country who can do it, and if the present course of non-action is continued in a very few years they are quite likely to be commissioned to do it in place of the men who can not at certain times treat these questions from the standpoint of the public weal. [Renewed applause.]

Necessary tariff legislation ought not to be postponed.

A large number of gentlemen who claim to be protectionists, but who think that tariff laws should be divorced from politics, came here to urge the appointment of a tariff commission. They seemed to know where it was necessary to go in order to learn whether or not Congress would listen to their petition. Members of this House learned through the newspapers that no tariff commission would be established.

How great the power this unseen autocratic body exercises! Conventions make their appeals, Congressmen introduce their bills, ten thousand newspaper publishers humbly petition, a phalanx of stalwart protectionists urge their plan, and millions of the American people protest against unjust and excessive taxes, but all to no avail. The controlling bureau, the auto-

cratic coterie, is unmoved. The ukase goes forth. There shall be none of it."

But the people are thinking all this time, and they are thinking hard. [Loud applause on the Democratic side.]

Mr. LIVINGSTON. I yield the remainder of my time to the gentleman from New York.

Mr. GOULDEN. I yield to the gentleman from Arizona.

Mr. SMITH of Arizona. Mr. Chairman, I appreciate the great favor of the gentleman, and shall not worry the patience of the House nor consume much of its time. I here present the petition for your consideration. It explains itself.

Mr. Chairman, in general debate alone on the great supply bills or others that must be considered in the Committee of the Whole on the state of the Union can any Member appropriately take the floor for any remarks on a question not germane to the matter in hand? In my long service here, the older Members all know that I have never taken the floor except to appeal for a right denied the people who sent me here or to oppose some injury threatened them. My reward for this course has been found in the attention you have invariably given me. You all remember the intense parliamentary battle fought out on this floor and in the Senate—a fight, the intensity of which has not been reached or touched since the historic conflict over the change of the rules led by the lamented Thomas B. Reed on his election to the Speakership of this great body.

That victory against joint statehood was won, and if I were called on now to pass from life to the dust that waits all life I would desire most to be treasured in the hearts of those whose confidence has sent and kept me here by reason of my course in preventing, as far as my energy, industry, and intelligence could, the unholy, unnatural, unjust, iniquitous union of two great western empires—Arizona and New Mexico—as one State of the Federal Union; but I did not take the floor to discuss that question, but what I have thus far said has been by way of introduction to this House of a remarkable as well as a most touching and pathetic petition just received by me from the county in which I live. It is signed by men, every one of whom is over 70 years of age, and nearly every one of whom blesses me with his confidence and friendship. Ordinarily I content myself, as you all do, in presenting a petition to Congress to merely present it and have it referred to the appropriate committee of this House, and that is usually the last of it. I must in this case digress from my usual rule, for those who have spoken in this petition have the right to be heard here.

The petition is as follows:

To the President and Congress of the United States:

We, the undersigned, citizens and residents of the county of Pima, Territory of Arizona, and each of us qualified electors of said county, most respectfully petition the President and Congress that the Territory of Arizona shall be admitted as a State of the American Union. Our especial reason for petitioning as aforesaid at this time is that each and all of us are over the age of 70 years, and our opportunities for voting for a President of the United States are passing with our added years. We are desirous of exercising the great privilege of voting once more for a President of the United States.

We believe that the Territory of Arizona, on account of the worth, enterprise, and public spirit of her citizens, is entitled to admission as a State, and we hope to impress upon the President and Congress of the United States the duty of making such admission not only as a matter of right to the entire citizens of the Territory, but we feel that the great pleasure which will be afforded to us by the opportunity to vote at the next Presidential election should afford a pleasure to the President and Congress to receive our recommendation in this, our appeal, and we trust that our petition will receive a general and just recognition by the President and the Congress of the United States, and your petitioners will ever pray.

Dated, Tucson, Ariz., December 9, 1907.

Signed by—

WILLIAM HERRING (and 47 others).

This petition is signed by more than fifty of these grand old men, who, while you were surrounded with all the comforts of life, indulging in the luxurious ease of an advanced civilization, were building an empire at a cost of labor and hardship, trial and danger which you are unable even to imagine, building with a fortitude that ignored pain and privation, with a courage that saw, but feared not, danger.

And what reward have you given them for this work? Indians despoiled the homes of some of these men, and many others like them who have passed, pray God, to a reward which their country ignored. These men and those who have gone made civilization possible on the face of the forbidding desert—tunnelled the mountains, and poured into the lavishing arteries of trade the pure rich stream of golden blood that saved the life of the country more than once in its recent history. Such men as these, who speak through me to you, paved the way, after blazing the trail for that great number of younger men, who, inspired by their example, have made the West the most generous, the bravest, the truest, the most patriotic, and unselfishly loyal manhood that graces to-day the broad domain over which our banner floats. Yet, I repeat, what have you done for them?

You have prevented early settlers from the just recovery of claims for Indian depredations; you have sent a horde of strangers to fill their offices; you have turned a deaf ear to their every cry for justice, and yet they love their country and their flag, and would willingly surrender their few remaining days to the call in her defense. It staggers your belief, but it is true. What do they ask? They make no boast. Western settlers were not swashbucklers. They ask statehood for the country they made; they ask, like men, for the right of representation—representation to which they are entitled, by every requirement that Congress has ever demanded of any other people in all its history. Treat them as you may, the people by whom their age is surrounded will reverence, love, and cherish them, and, let us hope, that in this they may find some compensation for the violated promises of Congress; for its present refusal to grant their declining years the justice their labor deserves. [Loud applause.]

Mr. GOULDEN. Mr. Chairman, the legislative, executive, and judicial appropriation bill contains some astounding propositions. While realizing fully the difficulties that the committee must meet in a matter of this kind, it seems incredible that certain recommendations are made and others that should have been made omitted. It is the duty of that committee to act in a businesslike way, free from anything that might influence them in arriving at a just and proper conclusion. However, it would appear that the members of that hard-working and trying committee, some of whom would certainly fall under the unfortunate ban of having lived long and useful lives, would not be guilty of agreeing to the following item found on page 166, section 3, of the bill, which reads as follows:

The appropriations herein made for the officers and clerks and persons employed in the public service shall not be available for compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced either by demotion or removal of such person from the public service.

If enacted into law, it will add undue strength to the powers now vested in chiefs of rooms and divisions, enabling them to easily make room for friends and favorites. It will undoubtedly bring about the removal of hundreds of deserving men and women whose only fault is that they have grown old in the service. In most cases of removal or demotion poverty will stare them in the face. In my judgment it is wrong, and in its present shape should not become a law. As I recall it, a somewhat similar proposition was in the bill last year, but went out on a point of order made by the gentleman from Ohio [Mr. KEIFER], himself a living refutation of the charge of incapacity on account of years.

The same may be said of the distinguished gentleman having charge of the measure, namely, Mr. BINGHAM, the father of the House, and the Member from Georgia, Mr. LIVINGSTON, the able ranking member of the minority members of the committee. None of these distinguished gentlemen and statesmen, though up in years, deserve to be ostracized or relegated to the walks of private life. [Applause.] I am personally acquainted with many employees of the Government who have passed the three score period of life, who might be classed by a young and frivolous upstart in charge of a room or a division with being incapacitated, and thus be either dismissed or degraded by being demoted. I have in mind a woman 80 years of age, the widow of a gallant officer who lost his life on the battlefield of the civil war, who rarely misses a day and is competent to perform the duties of the position she so ably fills. I will cite one more of the many similar cases with which I am familiar. The law clerk of one of the auditing divisions of the Treasury, who has been there for forty years, and a regular encyclopedia of legal knowledge, who lost an arm in fighting the battles for his country's flag, a gallant officer of our brave volunteers, the admiration of the world, and though nearly 70, is a zealous and loyal official of the Government, whose head might, in the near future, be in danger should this proposition pass. This party receives the salary of \$2,000 a year, which, in my judgment, is less than one-half of what similar services and ability would command in any of our large cities. Now, these are fair examples of the condition of things in the various Departments. If the Congress believes that these old and faithful servants of the Government should give away to younger persons, a pension or retirement fund should be provided for them. Fifteen years ago, as a member of the board of education of the city of New York, I found many teachers and principals in the schools who had been teaching for forty years or more, but unable to retire on account of poverty. As is well known, the exactions of teaching and maintaining discipline is a most trying profession. Something had to be done, so a retirement bill was passed by the board of education and approved by the State legislature, giving those

incapacitated and who have seen thirty or more years of service a pension of one-half their salary, not to exceed \$1,000 yearly. This has since been raised to \$1,500 a year. Within a few years, quite a number of old teachers, mostly voluntarily, took advantage of this law, and relieved the splendid system of public education so ably presided over for twenty-three years by that prince of educators, Hon. John Jasper. The retirement of the teachers has been found to be a great benefit to the cause of education and a blessing to those who had given their lives to the noble work.

Let Congress be as humane and patriotic as the great Democratic city of New York, and then incorporate such a law on the nation's statute books. Until that is done, feeling men, men with humane, sympathetic hearts will not agree to thrust hundreds of good, zealous men and women, who have grown old in the service of the Government, on the cold charity of the world. [Applause.] This bill provides for a few increases, very properly, in my judgment. The character, ability, and intelligence required in the State, Army and Navy, the Interior, Post-Office, Commerce and Labor, and other Departments is of so high an order that \$6,000 is not too much. I regret that the committee did not recommend a larger increase. It has been my privilege to come in contact, officially, with most of these gentlemen, and I am glad to be able to say that they are all men of exceptionally superior attainments, men of high character, and always gentlemanly in the discharge of their arduous duties. While this meets my hearty approval, I have an indictment to bring against the great Committee on Appropriations. Why did they overlook the thousands of others who are justly entitled to an increase in compensation? It is generally admitted, I think, that the cost of living, food, rent, etc., has advanced 25 per cent in the last five years, making it extremely difficult for Government employees to make both ends meet. In my judgment the committee will do well to heed the recommendations made to the President recently by the Special Committee on Grades and Salaries. This committee, without any interest in the matter, recommends that an increase of 7.7 per cent more than is estimated for the next fiscal year be paid all Government employees. The committee should take this matter up and do justice to the most deserving class of men and women who have no superiors for zeal and devotion to duty anywhere in the country.

The great municipalities of the country are paying higher salaries, having made substantial increases in the last five years. Let justice be done the 15,000 or more employees of the Government, either by materially increasing the salaries, or in lieu of that, provide a pension for those who have grown old in the service. [Applause.]

I ask unanimous consent to include in my remarks an article from the Washington Times of February 12:

OLD CLERKS MUST QUIT, SAYS BILL—MEASURE APPROPRIATING SALARIES ORDERS RETIREMENT—DEPARTMENT HEADS IN HUMOR TO ENFORCE PROPOSED LAW—ASSISTANT SECRETARIES GIVEN INCREASES BY SAME BILL.

Without warning, the long-feared blow has been prepared for the Government clerks of Washington by the House Committee on Appropriations.

In the legislative, executive, and judicial bill reported to the House by the committee providing for the payment of the salaries of all Government employees in Washington it is specified that aged and superannuated employees shall be demoted or dismissed without pension or compensation.

The language in which the provision is couched is emphatic and mandatory, compelling compliance, and not leaving the enforcement of it to the discretion of heads of departments.

It reads as follows:

"The appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated for performing the service for which such person has been employed, and the heads of Departments shall cause this provision to be enforced, either by the demotion or removal of such person from the public service."

For the last three years there has been constant agitation before the Committee on Appropriations for the retirement of superannuated clerks on a pension or without pension. The committee has heard, in various ways and at various times, many plans advanced for dealing with the question of how to make the Government service economical by removing from it aged employees. There has been much discussion of a civil pension list, and various bills for such an arrangement have been introduced.

MAY BRING POVERTY TO THOUSANDS.

This year the committee has discarded all idea of pensions and has struck at the root of the matter by inserting the brief paragraph that will bring anxiety and, in many cases, poverty to thousands of the inhabitants of the national capital.

An argument for this action by the committee was advanced by Secretary of the Interior Garfield, when he was before the subcommittee in discussing the appropriations relating to his Department. Mr. Garfield told in graphic language of the good results he had obtained from dismissing and demoting employees when there was the slightest complaint against their efficiency. He said he had saved much money to the Government, and had secured better results from his policy of dismissal and demotion.

This struck the committee as a good line of action, and the paragraph for general demotions and dismissals followed.

WILL ENFORCE LAW TO LETTER.

That the heads of departments will not be allowed to let the administration of the law be hampered by mercy and leniency is the general opinion at the Capitol to-day. The language of the statute allows them no such privilege, and, if they fail to enforce it, they will be called to account for it in the next session of Congress.

Such a provision has been put in the bill because the committee believes it will result in economy to the Government. If this economy can not be shown at the end of twelve months, the Committee on Appropriations will want to know the reason why.

One argument used against the new provision is that it will add strength to the powers already wielded by petty chiefs of rooms and divisions, and will give them opportunity to obtain in easy manner the demotion or dismissal of any clerks whom they dislike or against whom they are in any way prejudiced.

If it is finally voted into the bill, it is possible that an amendment will be offered to create a special board to determine the efficiency or superannuation of clerks. The objection is now made that the terms of the provision give the chiefs a latitude that allows them to strike anyone without mercy and according to their whims.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16882), the legislative appropriation bill, and had come to no resolution thereon.

GOVERNMENT CONTROL OF WIRELESS TELEGRAPHY.

The Speaker laid before the House the following message from the President of the United States, which was read, ordered to be printed, and referred to the Committee on the Judiciary:

To the Senate and House of Representatives:

I have received the following letter from the Secretary of the Navy:
FEBRUARY 12, 1908.

SIR: The Navy Department has the honor to invite the attention of the Executive to the necessity for the enactment of legislation whereby the representatives of the Government may have such control of wireless telegraphy as will insure noninterference with official messages.

The Navy Department has, by order of the President, the control of the Government coast stations, but unofficial messages sent by these stations or by public vessels may be interfered with by other wireless stations operated either by commercial companies with a legitimate object or by irresponsible persons with malicious intent.

Frequent occasions have arisen to illustrate the possible consequences of wireless interference: on one occasion an important message to the President of the United States, while embarked on a naval vessel, was interfered with and held up for a considerable time by the workings of a commercial wireless station; and instances have occurred wherein the naval stations at Newport, Washington, and San Francisco have at different times been interfered with by persons operating with no serious object.

The recent international wireless telegraph convention at Berlin, to which the United States was a party, deals only with "wireless telegraph stations open to public service between the coast and vessels at sea," and, therefore, does not take cognizance of stations operated by private individuals for other than public service. It may be noted, however, that article 8 of the convention requires that: "The working of the wireless telegraph stations shall be organized, as far as possible, in such manner as not to disturb the service of other wireless telegraph stations."

In view of the foregoing, the Navy Department recommends that such legislation be enacted as will insure freedom of official messages from interference. To accomplish this the law should make it a punishable offense:

(a) To originate or transmit a false message purporting to be official;

(b) To break in and interfere with any wireless station while it is transmitting an official message;

(c) To refuse to cease or fail to cease sending a private wireless message when called upon to do so by an operator having an official message to be sent.

It will be noted that the enactment of law of the nature proposed would never seriously interfere with the legitimate working of commercial wireless installations. The restrictions suggested are intended to apply particularly to times of peace. During war it is contemplated that much more extensive prohibitions would be exercised, to be put into effect in the absence of legislation by Executive proclamation as a belligerent right.

I am, sir, with great respect,

V. H. METCALF, Secretary.

I cordially indorse all that is above stated, and recommend the passage of such legislation as will accomplish the desired end.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 13, 1908.

SENATE CONCURRENT RESOLUTIONS AND BILL REFERRED.

Under clause 2, Rule XXIV, the following resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of Beaufort Harbor, North Carolina, with a view to improving the navigability thereof, and providing a channel of 8 feet depth from the channel at the bulkhead in the Newport River to the town of Beaufort, and from the town of Beaufort to the channel at Gallants Point, and to submit estimates therefor—to the Committee on Rivers and Harbors.

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the mouth of Chickasabogue Creek, in the State of Alabama, with a view to opening the same, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Bayou Le Batre, in the State of Alabama, with a view of deepening the same, and to submit estimates therefor—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 30.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of Bogue Sound contiguous to the town of Morehead City, N. C., beginning at the mouth of Hard Scrabble Slough, running westwardly between the said town and the marshes in front of the same to the main channel of Bogue Sound, on the west of Sandy Point Shoal, with a view of estimating the cost of obtaining a channel in said part of Bogue Sound, 100 feet in width and of a depth of 5, 8, and 10 feet at low water—

to the Committee on Rivers and Harbors.

Also:

S. 4924. An act for the relief of John H. Hamiter—to the Committee on War Claims.

EXPENDITURES BY THE DEPARTMENT OF STATE.

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, in response to the resolution of the House of Representatives of January 20, 1908, calling for information concerning expenditures by the Department of State.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 13, 1908.

RESURVEY OF CERTAIN LANDS, NEBRASKA.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13577) for a resurvey of certain public lands in the State of Nebraska.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township 25 north, range 15; township 33 north, range 16; township 33 north, range 16; township 26 north, range 31; township 34 north, range 32, and township 24 north, range 46, all west of the sixth principal meridian, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers asking for a resurvey and agreement to abide by the result of the same, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of said lands so occupied: *Provided further*, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

With the following amendment:

In lines 5 and 6, after the word "fifteen," strike out the words township 33 north, range 16; township 33 north, range 16."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask how much land is included in this resurvey?

Mr. KINKAID. Four townships.

Mr. PAYNE. What is the reason for it?

Mr. KINKAID. Mr. Speaker, these resurveys are necessary because no corners can be found and homestead entrymen can not ascertain where they should place their improvements, especially their houses and barns and other improvements of a permanent character. It is, I maintain, an obligation of the Government to so restore these now obliterated surveys which were properly made in the first instance and improve others which were imperfectly made as to enable homestead entrymen to readily identify the numbers of the land which they may choose for their homes and homesteads. The condition is such at this time that great confusion exists and much inconvenience experienced on account of the lack of evidences of surveys to properly advise home seekers, settlers, and even surveyors. Most of these lands were surveyed nearly forty years ago and, while the surveys in some instances were evidently imperfect, in other instances, however perfect they may have been, they have become wholly obliterated by prairie fires and other causes, so that the home seeker is as helpless in identifying the numbers of the land he would take as a homestead as if no survey had ever been made. I repeat, the Government owes it to the homesteader to start him out with a good survey.

Mr. PAYNE. I think it is all right so far, but I notice something in the law about releasing contracts already made.

Mr. KINKAID. No, there is no contract about it. What you have in mind has reference to a former practice of the Department of the Interior of requiring all settlers to be affected by a resurvey to enter into a contract to be bound by such resurvey, and the provision referred to in this bill merely excuses the making of such a contract. Besides, there never was any law providing for such a contract or such a survey or resurvey made pursuant thereto, and the reference to such a practice in this bill is a legal superfluity.

Mr. MANN. It releases them from a petition signed by everybody.

Mr. KINKAID. It releases them from a practice that grew up in the Interior Department, but there was no statute requiring it.

Mr. PAYNE. There is, then, something in it about releasing from an agreement.

Mr. MANN. No; it does not require them to make any form of an agreement?

Mr. KINKAID. They are released from making any agreement.

Mr. WILLIAMS. I would like to ask the gentleman, reserving the right to object, if this is the unanimous report of the committee.

Mr. KINKAID. It is.

Mr. WILLIAMS. What committee.

Mr. KINKAID. The Committee on the Public Lands.

Mr. WILLIAMS. No objection was made to it in committee?

Mr. KINKAID. No; and it was referred to the Secretary of the Interior and report made thereon.

Mr. WILLIAMS. Recommended by the Secretary of the Interior?

Mr. KINKAID. Yes, virtually; for no objection was made.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KINKAID, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. LAFEAN, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Robert Thomas Doyle (H. R. 25201), Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. BINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent Harry R. Burrill on trade conditions in Australia—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of the Treasury, recommending legislation in relation to bonds of certain internal-revenue officers—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Hatchee River, Tennessee—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pensacola Bay, Florida—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of N. C. Fears, administrator of estate of W. S. Fears, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. F. Collier, administrator of estate of August Heberlein, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting

an estimate of appropriation for surveying and marking boundaries for Yellowstone Park—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9205) to make the provisions of an act of Congress approved February 28, 1891 (26 Stat., 796), applicable to the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the resolution of the House (H. Res. 228) requesting the Attorney-General to furnish the House with copies of reports made by Mary Grace Quackenbos, on labor conditions of the country, reported the same without amendment, accompanied by a report (No. 894), which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16956) to authorize the Hydro-Electric Company to construct a dam across White River near the village of Decker, in Knox County, Ind., reported the same with amendments, accompanied by a report (No. 897), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands, reported the same without amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STERLING: A bill (H. R. 17036) relating to liability of common carriers to their employees—to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 17037) to establish a fish-hatching and fish station in the State of Oklahoma at Mangum, Greer County—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS of Georgia: A bill (H. R. 17038) providing that clerk hire allowed to Members of the House of Representatives be paid directly to clerk or clerks instead of to the Members—to the Committee on Accounts.

By Mr. GREENE: A bill (H. R. 17039) increasing the pensions of nurses in certain cases—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17040) to amend an act approved June 4, 1906, authorizing the use of the waters of Coosa River at Lock No. 4, in Alabama—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 17041) to provide for the erection of a public building at Shenandoah, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. McLACHLAN: A bill (H. R. 17042) providing for the purchase of a site and the erection of a public building thereon at Pasadena, in the State of California—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 17043) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere—to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: A bill (H. R. 17044) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: A bill (H. R. 17045) to repeal import duties on antitoxin and diphtheria serum—to the Committee on Ways and Means.

Also, a bill (H. R. 17046) to amend an act entitled "An act to provide revenue for the Government and to encourage

the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.

Also, a bill (H. R. 17047) to appropriate \$150,000 for the prosecution and extension of the work of the Office of Public Roads in the Department of Agriculture—to the Committee on Agriculture.

Also, a bill (H. R. 17048) to appropriate \$500,000 for the prosecution and extension of the work of the Bureau of Soil Surveys in the Department of Agriculture—to the Committee on Agriculture.

Also, a bill (H. R. 17049) to repeal the duty on coal—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 17050) to amend section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes—to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 17051) to supplement an act entitled "An act to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous train brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, and March 2, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: A bill (H. R. 17052) providing for the erection of a public building in the town of Lexington, Va.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 17053) to authorize the drainage of certain lands in the State of Minnesota—to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 17054) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho—to the Committee on Indian Affairs.

By Mr. ANDREWS: A bill (H. R. 17055) to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. McCALL: Joint resolution (H. J. Res. 136) relative to gaps in the published records of United States history—to the Committee on the Library.

By Mr. SULZER: Joint resolution (H. J. Res. 137) proposing an amendment to the Constitution providing for the election of Senators of the United States by direct vote of the people—to the Committee on Election of President, etc.

By Mr. MILLER: Resolution (H. Res. 236) for the payment of an assistant clerk to the Committee on Claims—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry—to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 17057) granting an increase of pension to Caroline King—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 17058) granting a pension to Julia A. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list, with the rank and pay of one grade above that actually held by them at the time of retirement—to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 17060) granting a pension to Mollie Smith—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 17061) granting an increase of pension to Michael W. Cahill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17062) granting an increase of pension to John Salmon—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 17063) granting an increase of pension to Thomas J. Buttrum—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17064) for the relief of the heirs of Aaron W. Da Costa, deceased—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 17065) granting an increase of pension to Leander Buttermore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17066) granting a pension to Clark Collins, jr.—to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 17067) granting an increase of pension to Asher Deitz—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 17068) granting an increase of pension to Judson M. Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17069) granting an increase of pension to Anson Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17070) granting an increase of pension to Nicholas Shults—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 17071) granting an increase of pension to George Champlin—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 17072) for the relief of Sarah E. Terrill—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 17073) granting an increase of pension to Thomas J. Perkins—to the Committee on Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 17074) granting an increase of pension to Robert Magill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17075) granting a pension to Charles C. Meckel—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 17076) for the relief of Frank H. Church, administrator of the estate of Cornelius Clay Cox—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 17077) granting a pension to Joseph M. Pence—to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 17078) granting an increase of pension to Thomas McClure—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 17079) to authorize the payment of the claim of Jacob Rice Lewis, for services as a teamster in the Utah expedition—to the Committee on Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 17080) granting an increase of pension to Enoch L. Waugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17081) granting an increase of pension to Silas Simms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17082) for the relief of J. H. Willis—to the Committee on War Claims.

Also, a bill (H. R. 17083) granting a pension to Harriett A. Glasscock—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 17084) for the relief of John Gentry—to the Committee on Military Affairs.

Also, a bill (H. R. 17085) for the relief of Newton Hodge—to the Committee on Claims.

Also, a bill (H. R. 17086) granting a pension to Nancy E. Clark—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 17087) granting a pension to Darius Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17088) granting an increase of pension to John G. Grant—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17089) granting an increase of pension to Greenville Tackitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17090) granting a pension to William Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 17091) granting an increase of pension to Alfred Picklesiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17092) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17093) granting an increase of pension to Andrew J. Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17094) granting an increase of pension to Wesley Hager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17095) granting a pension to George W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 17096) granting a pension to Matilda Kinser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17097) granting a pension to Christopher Alonzo De Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17098) granting a pension to John W. Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17099) granting a pension to Milley Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17100) granting a pension to Absalom Hobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17101) for the relief of J. C. Creed, of Winchester, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 17102) for the relief of George H. Witten—to the Committee on War Claims.

Also, a bill (H. R. 17103) for the relief of the legal representatives of James M. Bullock—to the Committee on War Claims.

Also, a bill (H. R. 17104) to correct the military record of Sylvester B. Miller—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 17105) providing for the presentation of a medal of honor to John J. Moran—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 17106) granting an increase of pension to Catherine Frederick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17107) granting an increase of pension to Charles H. Stockbridge—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 17108) to reinstate in the United States Navy on the retired list Henry Worthing Robie, of Portsmouth, Va.—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 17109) granting an increase of pension to William P. Ray—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 17110) to authorize the cancellation of trust patents in certain cases—to the Committee on Indian Affairs.

By Mr. RHINOCK: A bill (H. R. 17111) granting a pension to Caroline Siebenthaler—to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 17112) granting an increase of pension to George D. Steele—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 17113) granting a pension to John J. James—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 17114) for the relief of J. M. Johnston—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 17115) for the relief of Joseph W. McCall—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 17116) for the relief of S. R. Hurley—to the Committee on Claims.

By Mr. STANLEY: A bill (H. R. 17117) granting an increase of pension to Charles B. Eades—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 17118) granting an increase of pension to Joseph M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17119) granting an increase of pension to Sanson W. Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17120) granting a pension to Cornelius Gandy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17121) granting a pension to Martin M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17122) for the relief of William D. Graham—to the Committee on War Claims.

Also, a bill (H. R. 17123) granting an increase of pension to George W. Chidester—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17124) granting an increase of pension to Mary T. Jennings—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 17125) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17126) granting an increase of pension to Isaac M. Sheaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17127) granting an increase of pension to James B. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17128) granting an increase of pension to George Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17129) granting an increase of pension to Joseph B. Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17130) granting a pension to Harrison Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17131) granting a pension to Edmond Castalor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17132) granting a pension to Ann M. Rothermel—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 17133) to donate certain lands in Baldwin County, Ala., for educational purposes—to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 17134) for the relief of William S. Rote—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 17135) granting an increase of pension to Benjamin A. Anderton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Glass Bottle Blowers' Association, of Alton, Ill., against S. 2026, relating to regulation of commerce in certain cases—to the Committee on the Judiciary.

Also, petition of Commercial Telegraphers' Union of America, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Daniel Baker, of Baltimore, Md., for legislation to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of National Academy of Science of Washington, D. C., for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Dering Coal Company, of Chicago, for a bureau of mines—to the Committee on Mines and Mining.

Also, petition of East Asiatic Society, of Boston, Mass., favoring joint resolution No. 90, concerning consular establishments in China, Japan, and Korea—to the Committee on Foreign Affairs.

Also, petition of Southwestern Lumbermen's Association, of Kansas City, Mo., for legislation to authorize a census of standing timber—to the Committee on the Census.

Also, petition of Cronomer Valley Grange, of New York, for a national preserve in Highlands of the Hudson—to the Committee on Military Affairs.

Also, petition of Baptist Young People's Union of Ohio, for legislation to regulate interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, memorial of legislature of Illinois, and petition of G. W. Robinson, of Garner, Iowa, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Minnesota Retail Hardware Association, praying for complete revision of tariff laws on iron and steel; also revision of bankruptcy law and removal of duty on lumber and logs—to the Committee on Ways and Means.

Also, memorial of National German-American Alliance, in favor of additional forest reserves—to the Committee on Agriculture.

Also, memorial of American National Live Stock Association, for the creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, memorial of National Academy of Science, in favor of forest reserves—to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of State of New York, asking purchase of lands and erection of buildings for consular establishments—to the Committee on Foreign Affairs.

Also, memorial of legislature of Illinois, favoring pensions for surviving ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of heirs of John Campbell—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Caleb A. Lewis, against order of Postmaster-General of December 4, 1907, denying the right of a publisher to extend credit for subscriptions to patrons of his publication—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of American Institute of Electrical Engineers, for forest reservations for timber supply—to the Committee on Agriculture.

By Mr. CALDER: Petition of Citizens' Association of Bay Ridge and Fort Hamilton, for building battle ships in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of Ada W. Smith and Margaretha Loether—to the Committee on Invalid Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of John Salmon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Michael W. Cahill—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of the Brooklyn League Temple Bar, for H. R. 4375 and H. R. 4377, providing pensions for widows and children of Doctor Lazear and Major Carroll—to the Committee on Pensions.

Also, petition of South Bend National Bank, favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of National Funeral Directors' Association, against burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Otto Wicke, for H. R. 14639—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petitions of Brotherhood of Sulphite and Paper Mill Workers of Luzerne and Corinth, N. Y., for the retention of duty on wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of D. Eaton, Gloversville, N. Y., against amendment of copyright law—to the Committee on Patents.

By Mr. FITZGERALD: Petition of National German-American Alliance, against any immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of Minnesota Retail Hardware Merchants' Association, for legislation for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. FLOYD: Paper to accompany bill for relief of Daniel Phillips—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Illinois State Horticultural Society, for a parcels-post law and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Papers to accompany H. R. 3891, for public building in Corpus Christi, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: Petitions of Lyon Post, No. 8, of Oakland, Lincoln Post, No. 1, of San Francisco, and Admiral D. D. Porter Post, No. 169, of Oakland, Grand Army of the Republic, all of the State of California, for H. R. 220—to the Committee on the Judiciary.

By Mr. GRAFF: Petition of Union School District, No. 77, Tazewell County, Ill., for restoration to the coins of the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. HAMMOND: Petition of H. W. Harslet et al., against H. R. 13477—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Harslet et al., of Butterfield, Minn., against the passage of House bill 13477—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Oakland Lodge, No. 284, International Association of Machinists, for building war ships in United States navy-yards—to the Committee on Naval Affairs.

By Mr. HEBBURN: Petition of H. E. Bunker and G. W. Tracer et al., citizens of Exline, Iowa, for legislation to enable the States to control shipments of intoxicating liquors upon their arrival within the borders of the State—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Brig. Gen. Hy. S. Merrill—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Reno Post, No. 84, Grand Army of the Republic, of Lakewood, N. J., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of J. C. Wade—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Wilford Drummond (H. R. 16557) and Adeline Summerville (H. R. 16691)—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petitions of Commercial Club of Perry, Iowa, and Iowa State Traveling Men's Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of W. H. Langdon, Fulton N. Y., against amendment of the proposed copyright law—to the Committee on Patents.

By Mr. LAFEAN: Petition of Straban Grange, New Oxford, Pa., asking passage of S. 3152, providing for additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of Straban Grange, No. 1334, New Oxford, Pa., for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. LIVINGSTON: Petition of Local Union No. 10, International Printing Pressmen and Assistants' Union of North America, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. MAYNARD: Paper to accompany bill for relief of Henry Worthing Robie—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of legal voters of Fifth Congressional District, Edison, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of Appomattox Post, Grand Army of the Republic, Minneapolis, Minn., for the Sherwood pension bill—to the Committee on Pensions.

By Mr. OVERSTREET: Petition of Oran Perry, for H. R. 14783, promoting efficiency of the militia—to the Committee on Militia.

Also, petition of Fred Miller et al., citizens of Indianapolis, against any constitutional amendment or treaty provision to

extend right of naturalization and for an effectual exclusion law against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Petition of Trades and Labor Assembly, of Kenton and Campbell counties, Ky., for building battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. SHERMAN: Petition of J. M. Breamy and T. C. Butts, of Rome, N. Y., and F. E. Abbott, of Little Falls, N. Y., against amendment of proposed copyright law—to the Committee on Patents.

By Mr. SMITH of Arizona: Petition of old men residents of Arizona, asking for statehood—to the Committee on the Territories.

By Mr. STEPHENS of Texas: Petition of Typographical Union No. 531, of Gainesville, Tex., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. STURGISS: Paper to accompany bill for relief of George W. Chidester—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the German Publishers' Agency, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of Commercial Telegraphers' Union, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Cassidy, post commander of Devine Post, No. 148, Grand Army of the Republic, Department of New York, for H. R. 12667, to remove charge of desertion against sailors and marines who joined the service during the civil war—to the Committee on Naval Affairs.

Also, petition of E. Nattes, for amendment of copyright bill so as to protect musical composers—to the Committee on Patents.

Also, petition of citizens of the United States, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of B. J. Healy and others, for construction of United States vessels in navy-yards—to the Committee on Naval Affairs.

By Mr. TOWNSEND: Petition of Beers Post, No. 140, Tecumseh, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of Michigan Association of Free Will Baptists, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petitions of citizens of Blissfield and Adrian, Mich., for restoration of the motto, "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. WOOD: Paper to accompany bill for relief of John W. Morris—to the Committee on Invalid Pensions.

Also, petitions of Edward C. Schmidt and H. M. Brinckerhoff, for H. R. 11562, for repayment of collateral inheritance tax to Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

By Mr. WATSON: Paper to accompany bill for relief of Isaac M. Sheaffer—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: Petition of Frank Livermore and 18 others, of Lycoming County; F. O. Steel and 57 others, residents of Tioga County, and J. C. Colgrove and 34 others, of Potter County, all of the State of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

SENATE.

FRIDAY, February 14, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

STOCK OWNERSHIP OF INTERSTATE-COMMERCE CORPORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting in response to a resolution of the 13th ultimo statements relative to corporations engaged in interstate commerce owning any capital stock of other corporations transporting passengers and freight, etc., which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.